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been paid, but it varied from par to one and a half and two per cent. When the bank sold their own bills on the Bank of the United States, it sold them at four per cent. premium.

Q. By what means did the Bank of Missouri acquire funds in the Bank of the United States, on which it could draw bills?

A. By collections made in the Bank of the United States for and on account of the Bank of Missouri, and perhaps in some instances by deposits made there by individuals to the credit of the Bank of Missouri.

Q. What description of debts were they which were collected by the Bank of the United States for the Bank of Missouri?

A. A part of them were bills drawn by individuals, and a part of them were bills drawn by persons authorized to draw on the Secretary of the Treasury for the expenditure of public moneys. Much the greater part, I believe, however, were bills drawn by individuals.

Q. You stated that the Government funds in the Bank of Missouri, at the time it suspended cash payments, consisted of bills which could not be converted into cash, or such suspension would not have happened. I wish you now to state what amount of bills deposited on account of the Government was in the Bank of Missouri at the time the suspension of cash payments took place.

A. I was not correctly understood, if it was supposed that I said that the Government funds in bank at the time of the suspension consisted of bills. Although a credit then stood on the books of the Bank of the United States, the money corresponding with that credit was not actually in the bank. The amount due the Government, as appeared on the books of the bank, was very near the amount allowed as a permanent deposit, which was payable six months after the bank ceased to be employed as an office of public deposit.

Q. What sum did, then, remain in bank, of bills which had been entered to the credit of the United States?

A. A very small amount, perhaps about five thousand dollars.

Q. When the arrangement was made with the Bank of Missouri, under which it was to retain a permanent deposit, what was the amount first understood it should so retain?

A. One hundred and fifty thousand dollars.

Q. Was there not an arrangement made with the Secretary of the Treasury by letters of August and September, 1819, by which the same moneys were to have been received by the Government, or a considerable portion of them, as were received under the subsequent arrangement of March, 1820? And did not the bank fail to comply with the first arrangement alluded to?

A. The letter of the bank of the 9th of August, 1819, and the arrangement made by me, in March, 1820, will answer that question. Whatever paper, under the first arrangement, was not transferred, the bank, of course, was accountable for in cash.

Q. Was not a part of the same paper which

was to have been transferred under the first arrangement, afterwards received under the second, in a depreciated state?

A. No. I believe that all the paper transferred to the Government was of the same value at the time of the transfer, as it was at the time it was agreed to be transferred by letter of the 9th of August.

Q. Was not a considerable part of the paper transferred under the arrangement contained in the letter of the 20th of March, 1820, greatly below par?

A. It was.

Q. What amount of it, as nearly as you can recollect, was below par?

A. Something more than one hundred thousand dollars.

Q. Did the Bank of Missouri ever receive an answer, from the Secretary of the Treasury, to the following clause in a letter signed by Augustus Chouteau, President, and dated 9th August, 1819, viz:

"As to the Bank of Edwardsville, the only one near us, we cannot give it our confidence. Their paper is received with distrust, even in their own neighborhood, and passed from hand to hand as soon as possible. Owing to the intimate connexion which it had with the Bank of St. Louis, which cannot pay its debts, and has entirely discontinued business, the capital stock of that bank has been taken for the most part, and is now owned by five or six individuals, some of them living out of the State, and the direction secured to such persons as they may choose to appoint. There are other objections which we forbear to mention."

A. I never saw any answer to this clause, and believe that none was ever received by the bank.

Q. Was the opinion here expressed by the Bank of Missouri, concerning the Bank of Edwardsville, continued to be entertained by the former, for any length of time after the date of that letter, and how long?

A. I cannot positively say, as to any other person but myself; but my impressions were changed after I understood, from common report, that the Bank of Edwardsville had determined to forfeit the stock of those persons who should not pay the requisitions of the bank. I understood that General Payne, of Kentucky, and others, were stockholders to a large amount, and I believed that they would fail to pay for the stock subscribed if demanded in cash. This, I think, was my impression at the time, but it was derived merely from report then prevailing.

THOMAS F. RIDDICK.

James L. Anthony, sworn at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I first heard of Mr. Stephenson's alleged letter to the Department, since Mr. Edwards's memorial was presented to Congress. I have at all times free access to the room in which the bank letters are kept, and have had occasionally to go there to consult those letters with re-

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spect to deposits by individuals, in payment of debts to the Government. I was not consulted, previously to the report made by the Treasury to Congress, on the subject of its correspondence with the banks, as to my knowledge of the receipt of the alleged letter from Mr. Stephenson. I have not heard that that letter has been found in the Department, since Mr. Edwards's memorial was presented, nor have I ever heard from any person in the Department, or in any way connected with it, or from any other person, that such a letter ever was there, or that the Secretary had, at any time, seen it. J. L. ANTHONY.

Exhibit of the amount, &c., deposited in the Bank of Missouri, by the Receivers of the Land Offices at Kaskaskia, Franklin, St. Louis, and Edwardsville, as contained in twenty six certificates of deposit, enclosed in a communication from the Secretary of the Treasury, of the 8th of June, 1824, to the Committee appointed on the Address of N. Edwards.

Land offices and dates of the certificates of deposit.	Deposited in the notes of banks designated by the Secretary of the Treasury.	Deposited in specie, in U. S. notes, & bank notes, in notes of the Bank of Missouri.	Amt. of each deposit.
<i>Kaskaskia.</i>			
Sept. 4, 1818 -	\$20,243	\$4,236 21	\$24,479 21
Oct. 3, 1818 -	9,887	2,698 81	12,585 81
Nov. 23, 1818 -	9,990	6,010 45	16,000 45
Dec. 1, 1818 -	6,139	861 00	7,000 00
Feb. 5, 1819 -	8,129	3,611 00	11,740 00
<i>Franklin.</i>			
Dec. 7, 1818 -	50,446	7,078 87	57,524 87
Jan. 14, 1819 -	38,322	5,245 62	43,567 62
Jan. 20, 1819 -	2,776	0 70	2,776 70
Feb. 6, 1819 -	28,479	1,775 19	30,254 19
Mar. 22, 1819 -	14,258	0 86	14,258 86
Mar. 24, 1819 -	73,924	27,078 00	101,002 00
Mar. 24, 1819 -	37,235	20,800 00	58,035 00
April 29, 1819 -	16,667	209 04	16,876 04
May 25, 1819 -	42,834	28,734 30	71,568 30
June 19, 1819 -	18,670	44,353 02	63,023 02
June 22, 1819 -	-	2,080 16	2,080 16
<i>St. Louis.</i>			
Oct. 6, 1818 -	23,315	2,309 04	25,624 04
Nov. 3, 1818 -	10,225	1,775 00	12,000 00
Dec. 2, 1818 -	7,802	199 00	8,001 00
Dec. 17, 1818 -	15,500	328 43	15,828 43
Feb. 5, 1819 -	9,825	-	9,825 00
Feb. 26, 1819 -	33,916	810 00	34,726 00
Mar. 30, 1819 -	23,464	1,415 00	24,879 00
April 30, 1819 -	40,364	5,758 59	46,122 59
<i>Edwardsville.</i>			
Sept. 26, 1818 -	7,080	1,135 00	8,215 00
Oct. 29, 1818 -	4,000	-	4,000 00
Total -	553,490	168,503 29	721,993 29

John Forsyth, of the House of Representatives, sworn at the request of Mr. Edwards.

I first heard of the alleged letter of Mr. Stephenson to the Treasury, after Mr. Edwards's me-

morial was presented to Congress. A day or two after Mr. Crawford's report came into Congress, I read that report, but had no conversation with any person respecting Mr. Stephenson's letter until afterwards. I never have heard from the Secretary of the Treasury, from any person connected with the Treasury Department, or from any member of Congress, that such a letter has been found. I was shown by a member of the House of Representatives a letter from a gentleman in Richmond, in which the writer stated that a passenger on board the steamboat from Washington down the river, had said that Mr. Cook, a member of Congress from Illinois, had Mr. Crawford's answer to the letter of Mr. Stephenson ready to produce, on which I called upon the Secretary of the Treasury, and mentioned to him what I had heard. He replied "it was possible, but it scarcely could be so."

J. FORSYTH.

Jonathan Jennings, of the House of Representatives, sworn at the request of Mr. Edwards.

Question by Mr. Cook. In the report made by the Secretary of the Treasury to Congress, 14th February, 1822, he states, that "for the public money on deposit in the Bank of Vincennes at the time of its failure, collateral security has been obtained." I wish you to state your knowledge of the nature of that security.

Answer. The collateral security consisted of assignments of certain bonds given to the Bank of Vincennes, in behalf of the State of Indiana, and a note of a Mr. Piatt and his endorsers, as also a transfer in trust for the use of the United States, of certain real property. The value of the collateral security, when given, I should have estimated, provided there had been no substantial objections to the character and circumstances under which the assignments and transfers were made, as being worth a sum not to exceed \$80,000; the greater part of which, however, since the assignments and transfer, owing to various causes, has become unavailable to the United States, and, in my opinion, the residue will not yield more than \$20,000.

Q. Do you know of any steps taken since the arrangement of 1821, to get security for this debt?

A. I know of none, except what was obtained through General Noble, at Brookville, Indiana, in the year 1822; of the value of which I am unacquainted.

Question by Mr. Floyd. Had you any agency in procuring the Bank of Vincennes to be made a depository of public moneys?

Answer. Among others, I recommended that measure. The bank then appeared from its quarterly returns, submitted to me as Governor of the State, to be entirely solvent. Those returns contained only the general accounts of the bank; nor was the institution required by any provision of its charter, to submit any list of its debtors, and the amount owing by each, to any State authority; which it uniformly refused to do when applied to for that purpose.

Question by Mr. Floyd. When the bank thus

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refused, and you were Governor, did you communicate that refusal to the Secretary of the Treasury, or did you at any time express to him any doubts or suspicions touching its solvency.

A. I never entertained any doubt of the solvency or integrity of the Bank of Vincennes, until late in the year 1820, and the records of the State government will show, that, in my communications to the Legislature, I did not recommend an examination into the situation of the bank until December, 1820; prior to which time, it will appear, however, from the communications of the Secretary of the Treasury to the bank, that the latter had committed a breach of its engagements with the former, in failing to pay drafts drawn by the Treasury as early as the 19th of October, 18th of November, 28th December, 1819, and 10th of March, 1820; of which failure to pay those drafts, I have no recollection of having had any information, until the session of Congress before the last. I was informed, however, of one small draft, drawn on the bank by the Treasury, having been dishonored during the Winter of 1820-21, shortly before I personally examined said bank. Upon this examination, I discovered the bank had not two hundred dollars of available funds, and that a draft drawn upon it for moneys in favor of the Pension Agent for the Indiana roll, had been diverted from its legitimate object, to the prejudice of the Government. I advised the Secretary of War of the circumstances.

I made no communication to the Secretary of the Treasury when the bank declined giving a list of its debtors, and the amount owing by each. The bank was not bound to give such list, nor was it required by me only in compliance with resolutions of the Legislature, nor was it incumbent on me, or necessary, to detail to the Treasury Department such refusal on the part of the bank, and the reasons offered by the bank as inducing a refusal, on its part, to give publicity to such list, inasmuch as the Secretary of the Treasury made the rendition of such list, by the bank, quarter yearly, to himself, a condition upon which deposits were to be made in the Bank of Vincennes, and which was acceded to by the latter.

JONATHAN JENNINGS.

Langdon Cheves sworn, at the request of Mr. Edwards.

I became President of the Bank of the United States on 6th March, 1819, and continued till the beginning of January, 1823. I know but very little concerning the liability of local banks to the Government of the United States. My duties in the United States Bank consisting wholly of superintendence, I could not concern myself with the details of its business. I considered the liability of local banks to the Government as a matter external to the business of the United States Bank. The chief of what I do know on that subject is derived from a letter from the Cashier of the Branch Bank of the United States, at Louisville, dated 2d May, 1820, a copy of which I now produce. [Here Mr. Cheves read the letter.]

Question. When the Treasury of the United

States gave drafts to the Bank of the United States on any of the local banks, did the Bank of the United States feel itself bound to receive in payment of such drafts any thing else than its own paper, or the legal currency of the country?

Answer. The Bank of the United States did not feel itself legally bound to receive any thing but its own paper and the legal currency of the country. But it was in the habit, with a view of being useful to the Government and the country, of receiving almost any thing that it could convert, safely and conveniently, into cash.

Q. The rule of the United States Bank in receiving deposits is, that, when a deposit is made generally, the bank is liable for the amount of such deposit in cash, is it not?

A. That is the general rule, to which I recollect but one exception, which was under a particular arrangement in respect to certain Western banks, by which the bank received deposits from Receivers of Public Moneys in current bills of these banks, and credited them as cash, on the condition, that if not duly paid, they should again be charged to the Government.

Q. This exception grew out of an arrangement which took place after you entered into the superintendency of the United States Bank, did it not?

A. Yes.

Q. by Mr. Forsyth. Do you know what is the per centage of the loss of the United States Bank on their debts in the Western States?

A. I cannot state with accuracy. It exceeded ten per cent. and amounted, perhaps, to fifteen.

Q. As President of the bank, you had, of course, constant intercourse with the Secretary of the Treasury; can you testify as to the zeal, integrity, and ability, with which that part of his duty, which relates to the collection of the public moneys, was performed, so far as it came under your observation?

A. I had much and anxious intercourse with the Secretary of the Treasury personally, and by letter, in relation to the currency of the country, and the collection of the public debts, as well in the Atlantic as the Western States. It was a crisis of unexampled difficulty. The great object was to restore and preserve a sound currency, generally, through the Union. As it regarded the Atlantic portion of the Union, it appeared, to my judgment, to involve the soundness of the currency; but, as it regarded the Western States, it seemed to me to involve the existence of any currency at all. I understood, distinctly, that it was the object of the Secretary of the Treasury, in the Western States, to prevent its sudden and total prostration. In my opinion, the Secretary of the Treasury displayed much ability, great zeal and industry, perfect integrity, and commanded as much success as was practicable, under the circumstances of the times.

Q. by Mr. Cook. In expressing this opinion, do you do it with a full knowledge of the connexion between the Treasury Department and the Western banks in which the public moneys were deposited, and of the manner in which those banks fulfilled their engagements with the Treasury?

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A. I do not do it with a full knowledge of these circumstances, but I do it with a great deal of knowledge of the subject. If this question be intended to refer to my answers to previous questions concerning the arrangements between the Western banks and the Government, it is necessary to state that I understand those questions and answers to refer to the details which governed the transactions of those banks with the Government, of which I am ignorant; but the answer which I have just given refers to the general conduct and the success of the measures of the Treasury, and I know them from my correspondence and intercourse with the Secretary, and from the operations of the Bank of the United States, through which large sums of money were collected for the use of the Government in the Western States.

LANGDON CHEVES.

Hon. Ninian Edwards sworn, by order of the Committee.

Question by Mr. Livingston. You stated in an examination before a former committee, in your answer to the 8th interrogatory, that you had prevailed upon Colonel Stephenson to write a letter to the Secretary of the Treasury relative to the propriety of continuing depositories of public money in the Bank of Edwardsville, and that you saw him write the letter, and enclose a publication made by you therein. The committee wish to know whether you read that letter immediately after it was written, and, more particularly than is stated in that deposition, what passed between yourself and Colonel Stephenson on that occasion?

A. The circumstances under which it was written were these: Colonel Stephenson was, at that time, the Receiver of Public Moneys, and also the President of the Bank. He was very unwilling that I should withdraw from the bank, and supposed that my doing so would be likely to impair its credit, and increase the responsibility upon him for the depositories in it. I was myself glad of the opportunity of circumstances so favorable to my advising him with success to write the letter to the Secretary, and he was very easily prevailed upon to do so, and applied to me to write such a letter for him, as I thought he ought to write to the Secretary; and I accordingly wrote the draught of such letter—went to his office—remained there until he had copied it, and afterwards compared the copy made by him with the draught. At the same time that he wrote the letter, he enclosed, to be sent with it, as I believe was his intention, a printed copy of my publication announcing my intention to withdraw from the Bank of Edwardsville. I have no doubt that he sent the letter, because, from the conversation I had with him, it appeared to be his desire to send it, so far as I could discover; and his subsequent conversation left no doubt on my mind that he did send it. I have no recollection of having seen the original draught abovementioned from the time it was copied by Colonel Stephenson until the time of my late return to Edwardsville. It was then shown to me by Thomas Lippincott, who was employed in

doing business in the Land Office, and who took it in my presence among the files of that office. The copy now presented was made out, I think, by himself, and is either sworn or affirmed to as a true one. Mr. Lippincott is a gentleman of fair and respectable character, and, as I understand and believe, was secretary or clerk to one branch of the last Legislature of Illinois. Although I cannot swear that this is a literal copy of the original draught, I know it to be substantially correct, nor have I the least doubt of its being literally so. Upon the original draught, as found in the files of the office, was an endorsement, in the handwriting of Mr. Stephenson, the words of which were, as far as I recollect, the following: "Copy to the Treasury Department, October, 1819," or words to that effect. An additional reason which induces me to believe that the letter was sent, is, that the said Mr. Lippincott also showed me the copy of another letter which he took from the files of the office, which was in the handwriting of Colonel Stephenson, the late Receiver, and purported to be a letter from the said Receiver to Mr. Crawford, dated, I think, the 22d October, 1819, which, from the subject of it, appears to refer to the before described letter.

Q. by Mr. Forsyth. Was there any part of the original draft of the letter from Mr. Stephenson of October 12, 1819, underscored?

A. I do not recollect that there was. I perceive that there is an underscoring in a part of the copy now presented, which may have been done in consequence of the object for which this copy was taken; which, originally, was not that it might be sworn to, but that it might be published. It was sworn to subsequently to the arrival of the summons from this committee to myself.

Q. by Mr. Forsyth. Was that underscoring made by you, or at your request?

A. I do not think it was made by me, and I do not remember that it was made at my request. I do suppose it was made by the gentleman who took the copy, and that it was done by him in consequence of his knowledge of my object in searching for the letter.

Q. by Mr. Forsyth. You say that you perceive a part of the copy is underscored. Is this the first time you have noticed the circumstance?

A. I do not recollect noticing it heretofore, but think it is highly probable that I did, as the copy was intended for publication, and this is a point to which I should naturally have wished to call the public attention, and of which wish the gentleman who made the copy was well apprized.

Q. by Mr. Forsyth. Your belief is that this underscoring was done before the affidavit was attached to the copy?

A. Such is my belief. I have no doubt of it.

Q. This copy has been already published. Have you seen the publication of it in one of the public newspapers of this city?

A. I have.

Q. Was the copy for that publication furnished by you?

A. I submit to the committee whether that is a proper question.

[Mr. Forsyth here stated that he had a particular reason for making the inquiry. The letter as published contains a part in italics which corresponds to the part underscored in the copy now presented; and he wished to ask whether the types of the publication were set from this copy?]

A. I have no objection to answer, provided the committee think it a proper question. This copy is that from which I suppose the publication was made, as it was furnished by myself for that purpose.

Q. How long was it out of your hands?

A. Not more than a day or two, as well as I can recollect.

Q. Was it sent to the editors of the paper in which it was published, or was it delivered personally?

A. I do not recollect which. My impression is, that I delivered it to some person to take it to the printers—probably Mr. Cook. Whoever took it, I consider the act as equivalent to a personal delivery of it by myself.

Q. Did you search, or cause search to be made, in the office of the Receiver at Edwardsville, for the answer of the Treasury Department to the letter of which you now present a copy?

A. I went to the office for the special purpose of endeavoring to ascertain if there was not a letter in it from Mr. Crawford to the late Receiver, directing him to continue the deposits in the Bank of Edwardsville.

Q. Did you find the answer to the letter of which you now present a copy?

A. I found a letter from Mr. Crawford, of the 6th of August, 1819, I think; another of the 1st of November, of the same year; and one of April (probably the 20th) 1820. The second of these, viz: that of the 1st of November, it is my opinion, was written in consequence of the letter of the Receiver of October 12th, 1819.

Q. You state, in your examination before the committee of the last Congress, that Colonel Stephenson informed you, after he had written that letter, that he received a letter from the Secretary of the Treasury directing him to continue the deposits in the Bank of Edwardsville. In your letter to the Secretary, of the 9th February, 1822, you say that he (meaning Mr. Stephenson) informed you that that letter had been answered. I wish to know exactly what the declaration made to you by Mr. Stephenson was; whether he said he had received an answer to the letter, or whether he said he had received a letter directing him to continue the deposits in the Edwardsville Bank.

A. The letter of the 12th October was written previously to my coming on to Congress. On my return from Congress, after the session succeeding the date of this letter, I asked the Receiver what answer Mr. Crawford had given to that letter. He told me either that he had received a letter from Mr. Crawford directing him to continue the deposits, or that Mr. Crawford had written to him directing him to do so; from which I understood him that he had received an answer from Mr. Crawford. I am positive he told me that he

had received a letter from Mr. Crawford, directing him to continue the deposits; but, whether he alluded to the letter of the 1st November, 1819, or to that of the 20th April, 1820, or to any other letter in particular, I do not know; for I do not recollect to have seen either of these letters from Mr. Crawford until my late return to Edwardsville.

Q. Did not you consider that letter which you draughted for Mr. Stephenson, as a letter from the Receiver of Public Moneys to the Secretary of the Treasury?

A. It was certainly a letter from the Receiver of Public Moneys, but he was, at the same time, President of the Bank of Edwardsville. I perceive, from the copy, it is dated at the "Receiver's Office." I know that the Receiver's letter was written there from the draught alluded to.

A. You state that you returned from Congress in the Spring of 1819, and found the Bank of Edwardsville under great pressure. I wish to know whether you apprized the Secretary of the Treasury that such was the fact, or advised the Receiver of Public Moneys to withhold deposits in that bank on account of it?

A. I do not recollect that I did write directly to the Secretary myself; but I am under an impression that the President of the Bank did write him a letter, the object of which was to induce him to forbear drawing upon the bank while it was under difficulty. I made a communication to Colonel Johnson, during that Summer, whose brother-in-law held more stock in the bank than any other person, of the difficulties with which the bank was then struggling, and with a view that he should, and the expectation that he would, communicate the same to Mr. Crawford. I am induced to believe that he did so, from a letter from Mr. Crawford to Colonel Johnson, of the 15th July, 1819, which I now submit to the committee, and which acknowledges the receipt of a communication from me to Colonel Johnson, upon the subject alluded to. Nothing of this, however, was done with a view to show Mr. Crawford the danger to Government of continuing the deposits in that bank, but rather to induce him not to draw upon it at that particular time.

The difficulties of the bank I considered, at that time, but temporary; I thought it could be conducted through them, and did not feel myself at liberty to withdraw from it until this had been done, which finally was effected, as I conceived, in a great measure, by my own diligent management of, and my assistance to the bank.

I do not recollect that I did particularly advise the Receiver of Public Moneys to withhold deposits in the Edwardsville Bank at that time, nor until after I had made my publication in the *St. Louis Enquirer*.

Q. After your publication, and when you considered the bank as out of danger, you then advised the Receiver to withhold deposits?

A. Yes. My object in that publication was to free myself from all responsibility for the bank—to state what I believed to be the real truth concerning it, and to leave the public and the Secre-

tary to judge for themselves, how far they could confide in it without any responsibility on my part.

Q. You state that you enclosed a copy of this publication to Mr. Crawford; was it accompanied with any thing written to him, or simply covered with an envelope, and directed to him?

A. I think it was simply enclosed and directed to him, and that nothing was written but the direction.

Q. Did you not write, at Mrs. Stephenson's request, a letter purporting to be from her to the Secretary of the Treasury, and dated 18th September, 1819?

A. I submit to the committee whether this is a proper question. I am perfectly willing to answer it if they so decide; and I am also willing to waive the objection.

[The committee having decided that the question was a proper one—]

A. I did write a letter for Mrs. Stephenson, which I believe she copied, signed, and, I have no doubt, sent, in reply to a letter from Mr. Crawford to Colonel Stephenson, which was received during his absence on a journey to Kentucky; and the original draught, which was written by myself, I have lately seen on the files of the Receiver's Office, at Edwardsville.

Q. Do you recollect whether Mr. Stephenson was in Edwardsville at the time your publication in the "Enquirer" appeared?

A. I do not.

Q. After your publication, and before the writing of this letter of Mr. Stephenson's, which you allege to have been written, you knew that complaints had been made, on the part of the Treasury, of his withholding deposits of public moneys in his hands?

A. I have no knowledge of having seen or heard any thing on that subject, saving the letter which arrived at Edwardsville directed to Colonel Stephenson, during his absence.

Q. Do you, or not, know that, before or about the time of this transaction, in the Spring, Summer, or Fall of 1819, Colonel Stephenson had loaned large sums of money to different individuals?

A. I do not recollect of knowing or hearing of any such loans by him. A list, I understood, was found after his death, of moneys loaned; but this was subsequent to the time mentioned in the question; nor do I remember hearing the name of more than one individual to whom it was then ascertained he had loaned money.

Q. You insinuate, in your memorial to Congress, that there was a letter written by Mr. Crawford to the Receiver at Edwardsville, which was, in reality, an answer to the letter alleged by you to have been written by Mr. Stephenson, but which was so contrived as to appear not to be such an answer; can you assign any conceivable motive which could lead to such a course on the part of Mr. Crawford at that time?

A. Mr. Crawford, as I believe, had received much information against the Bank at Edwardsville, some of which appears in the documents,

and particularly the letter of the President of the Bank of Missouri, dated, I think, 9th August, 1819. This was naturally calculated to excite his fears for the safety of the deposits; my withdrawal from the bank was calculated to confirm those fears; and I think it highly probable that he might not have been willing to disclose any circumstance which was calculated to increase his responsibility for continuing those deposits in that bank; and I believe those deposits were continued there more through the influence of General Payne and his connexions, than from that of any other persons.

Q. I understand you, then, to say that Mr. Crawford at that time anticipated the failure of that bank, and sought to provide a screen from the responsibility of having continued the public deposits there.

A. My opinion is, that he did receive my publication and the Receiver's letter, and that he has withheld them, and I have already assigned the motive which I supposed might have governed him in doing so; but, whether that resulted from an actual anticipation of the failure of the bank, or from an apprehension only, that it might fail, I do not undertake to decide.

Q. You state that you determined to sustain that bank, and you lay great stress on the circumstance of your withdrawal from it; will you state how you were enabled to sustain it?

A. I endeavored to sustain it by my influence, by my own funds, and by my personal attention to it.

Q. Did you make any deposit about that time with a view to sustain it? and if so, to what amount?

A. I aided it by advancing my own money or bills; but cannot say to what amount. I held myself ready to give it further assistance, if it had required it.

Q. When you stated that you did not see the draught of the Receiver's letter until "your late return to Edwardsville," did you mean your return in April or May last?

A. I did.

Q. Did you see that draught after it was copied of the Receiver and examined, and previously to its being taken from the files by Mr. Lippincott?

A. Not that I recollect.

Q. Was a letter-book kept in the office of the Receiver at Edwardsville?

A. I believe there is.

Q. Is this letter from the Receiver copied in that book?

A. I think that in the letter-book I saw, that letter does not appear. There are also other letters, and one or more, I think, from Mr. Crawford, which are on the files in the office, which are not recorded in the book I examined, or if they were I did not see them.

Q. Are there any of the letters from the Receiver to the Department of the Treasury, of the same year with the alleged letter, which are not recorded in that book? I include Mrs. Stephenson's letter in this question.

A. My examination of the letter-book was so

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slight that I cannot pretend to say whether it was so or not. I do not recollect whether Mrs. Stevenson's letter appears upon the letter-book or not. It is my impression that Mr. Crawford's letter of the 1st of November, 1819, is not recorded in the book that I saw, though I cannot speak with certainty about it.

Q. Were you not engaged, prior to your journey to Edwardsville, in preparing a publication with respect to these documents against Mr. Crawford?

A. To that question I positively object. My communication to the House is here; it speaks for itself; it cannot be material when or where it was written.

[The committee decided he was not bound to answer.]

Q. You have stated in your communication to the House of Representatives that you are the author of the A. B. publications which accompanied your address; are you not also the author of the other A. B. publications which appeared either before or since in the *Washington Republican* against the Secretary of the Treasury?

A. To that question I object to answer. I am answerable only for those A. B. publications which I have acknowledged.

[The committee decided that he was not bound to answer.]

Q. Have you not, at another time, denied your being the author of the said A. B. publications which you now avow?

A. To this question I also object to answer.

[The committee decided that he was not bound to answer.]

Q. The packet I now present to you contains the original address presented by you to the House of Representatives; will you please to separate those parts of that address which were sent to this city by mail, from those parts which were supplied after its arrival here?

A. The communication is before the House as a whole, and as a whole was referred to this committee. I do not feel myself under any obligation to state how its several parts got here.

[The committee decided that he was not bound to answer.]

Q. I wish to know whether you are not the author of the printed letter now shown to you, and which is contained in the *Washington Gazette* of the 24th December, 1821, and dated the 12th of that month, and purporting to be written by a gentleman in Ohio?

A. I do not consider myself bound to answer the question, unless the committee shall so direct me.

[The committee decided that he was not bound to answer.]

Q. Are you the author of all those A. B. publications which accompany your memorial to Congress.

A. I am.

Q. Were not the materials of your memorial to Congress collected and prepared by you before you had seen that letter of Mr. Crawford to Congress which you allege to be the ground of that memorial?

A. I had no intention last session of attacking Mr. Crawford, unless it should be necessary to my own defence, or unless I myself had been attacked. I had no knowledge of Mr. Crawford's report until the morning after it was made. A copy of it was then brought to my room by Mr. Cook, in consequence of which I changed my determination to have left here on that day, and endeavored then to collect such documents as I thought might be useful to me in case I should reply to it. Not one word of my address to the House was written in the City of Washington, nor have I any recollection of having conversed on the subject of Mr. Crawford's report with but three members of the House of Representatives, viz: Mr. Cook, Colonel Moore, and Mr. Campbell of Ohio. I left the city the next day, the 24th, without any settled plan of answering it, and, with the aid of no other materials than those I collected here in the city, and my own memory. In making the references which are contained in my address to the House of Representatives, I had recourse, in general, to the A. B. publications which I had collected here, and which contained a reference to those documents. I occasionally made some notes on my journey to Wheeling, where my address was written, and from which place it was sent to this city; and I expect the documents referred to by Mr. Forsyth, as having been furnished here, were obtained by Mr. Cook, to whom I wrote for that purpose. I regretted the necessity that I felt myself under to write at all, and would not have done so, if I could have hoped, by any more pacific means that would not have been degrading, to have obtained a withdrawal of an insinuation which I conceived was calculated to injure me. Every single thing used in my address to the House was collected from a mass of my own private papers, and by two of my friends as they could get them elsewhere, after the report of Mr. Crawford was presented. These things, thus collected, with the aid of my own memory, constituted the materials from which my address to the House was written.

Q. Did you not, immediately after Mr. Crawford's report was made to Congress, and before you left this city, state to Mr. Campbell, of Ohio, that you then had twenty or thirty pages prepared against Mr. Crawford? State what conversation took place between you and Mr. Campbell, on that subject.

A. I think it was on the morning I left this city, that I met with Mr. Campbell, who introduced a conversation concerning this report of Mr. Crawford's, by asking me whether I had seen the report, and appeared, from the remarks which he made, to consider that report as containing an attack upon me. He spoke of its being presented at so late a period of the session. In the course of the conversation, I mentioned to him that I considered it, on this last account, as being very ungenerous, or words to that effect. I stated to him that I had, during last Summer, received information that I was to be attacked at the then ensuing session of Congress; and I think it is probable I stated to him the particulars of that informa-

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tion. Thinking it so probable that I may have stated it, I will now repeat what the information was. In travelling through Kentucky last Summer, in Russelsville, I received a confidential communication from Virginia, stating that I was to be attacked, as is before alleged; that Governor Coles, of Illinois, was expected to co-operate in the attack, and advising me to come on a week or two before the meeting of Congress, to be prepared for it. In consequence of this information, and not expecting to return home for some considerable time, I wrote to Mr. Cook to call upon Governor Coles upon the subject. And I have since seen a correspondence between Mr. Cook and Mr. Coles, on the subject, which I mention, because it affords to any who may be inclined to make a further inquiry, the means of ascertaining the truth of the fact. Under an expectation thus produced, I had been engaged in writing, and in preparing for the warfare which I expected was to come on, and I believe I stated that fact to Mr. Campbell. I know that I alluded to it, in speaking to him, but there is nothing copied into my address that I had previously written with that view. In consequence of the impression which Mr. Campbell's conversation left upon my mind, that he thought I ought to answer Mr. Crawford's statement, I wrote back to him, while on my journey, that I should do so the first leisure time I got, and intimated that I did not expect to occupy more than three hours in doing it. I do not know whether he received the letter, but I expect that he did.

Q. Did you not state, in that conversation, to Mr. Campbell, that you had written twenty or thirty pages against Mr. Crawford, which you could not complete until you got to Wheeling, for want of documents which you expected to find there?

A. I do not recollect that I made such a statement to Mr. Campbell; but I think I made some allusion to what I had written, and stated some things, in general terms, admitting my preparation to meet, and determination to repel, an attack that I had expected would have been made upon me; but I cannot suppose that I could have stated to him any thing like preparation for the particular case of Mr. Crawford's report, which was entirely unexpected to me.

Question by Mr. Forsyth. In one of the A. B. publications, which accompany your memorial to the House of Representatives, you refer to a short article calling the public attention to suppressions by the Secretary of the Treasury, which produced an investigation in that House. Do you allude, in this part of your publication, to the article which was the foundation of what you call, in your address, the A. B. plot?

[The Committee decided that this question was inadmissible.]

Question by Mr. Forsyth. When did you reach Wheeling, after leaving this city, on the 24th of March last?

Answer. My impression is, that I arrived there on the first Sunday in April, which was the 4th day of that month.

Q. When did you leave Wheeling?

A. I have no distinct recollection of the precise day, but think it was on or about the 12th of April.

Q. Did you apply to the President of the United States, or the Secretary of State, before you left Washington, for permission to remain here for a short time, for the purpose of defending yourself from the accusation which you understood Mr. Crawford to have brought against you?

A. I did not. I have never seen the President since I saw the report of Mr. Crawford to Congress.

Q. Was there any thing in your instructions which prevented you from remaining in Washington which did not equally apply to your remaining at Wheeling, on this business?

A. I had no written instructions at that time. But the President had expressed great anxiety that I should get off as soon as possible; and the arrangement was, that I should leave this city, so as to attend to my own business, and be ready to meet the vessel at New Orleans on the 1st of June, at farthest, which was to carry me out. In conformity to which, I left this city on the 24th, went to Baltimore to settle some private business, and also to lay in some articles which I intended to take to Mexico. I afterwards went to Wheeling, where I also had private business to attend to, connected with a part of my business in Baltimore.

Q. You knew, then, that you were not expected to leave the United States till the 1st June?

A. The arrangement was, that I should reach New Orleans by the 1st of June at farthest; and this left me but little time, considering the extent of my business, to arrange my private affairs, preparatory to going to Mexico. I did not believe, at the time, nor do I yet believe, that the President would have consented to my staying for the purpose suggested by Mr. Forsyth.

Q. Was not the vessel in which you were to embark, in a course of preparation for her voyage, when you left this city?

A. If the vessel had arrived here, I did not know it. It was expected that she could reach New Orleans about the 15th of May; but there was no certainty; and, I think, she had not arrived.

Q. You say "it was expected." What do you mean by that expression?

A. I waited upon the President in consequence of a wish he had expressed for my early departure; and, in conversation with him, he requested me to go to the Secretary of the Navy, and inquire about a vessel to carry me out on the mission. I called on the Secretary of the Navy, who called in Commodore Rodgers to consult upon the subject—and, from them, I understood, that the vessel, in which it was concluded I should go, had not arrived, but was, shortly thereafter, expected. Commodore Rodgers spoke of some repairs which would have to be made upon the vessel; made some calculation as to the time these repairs and the voyage to New Orleans would take; and, in this way, "it was estimated that the vessel could

APPENDIX

TO THE HISTORY OF THE EIGHTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

CONDITION AND PROSPECTS OF THE GREEKS.

[Communicated to the House, December 31, 1823.]

To the House of Representatives of the United States :

I transmit to the House of Representatives a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, December 31, 1823.

DEPARTMENT OF STATE,
Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States, of the 19th instant, requesting the President of the United States to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

Extract of a letter from Mr. Forsyth to Mr. Adams, dated 13th December, 1822—with Note, dated Corinth, 8th [20th] April, 1822—translation.
Note, Mr. Luriottis to Don Evaristo San Miguel, dated 21st November, 1822—translation.
Mr. Rush to Mr. Adams, 24th February, 1823—copy.
Mr. Luriottis to same, 20th do. do.—copy.
Mr. Adams to Mr. Rush, 18th August, do.—copy.
Same to Mr. Luriottis, 18th do. do.—copy.

Extract of a letter to Secretary of State, dated Marseilles, 6th August, 1823.

Extract of a letter to Secretary of State, dated Marseilles, 27th August, 1823.

Statistical table of Greece—translation—original copy received from Mr. Middleton.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated Madrid, December 13, 1822.

"The Greeks have an agent in this Peninsula Luriottis. He was here a fortnight, asking aid of money, which he did not receive. Indeed, he left this, disgusted with the coldness with which he was treated by San Miguel. He has gone to Lisbon, with sanguine hopes of meeting, if not aid, at least kinder treatment. I enclose to you copies Nos. 1 and 2 of an official statement, made for him in April last by his Government, of the state of their affairs, and of his letter to the Spanish Government. We have favorable news from the Greeks, from various sources. The Albanians are now their allies; they have again been successful, by sea, against the Turks, and the best hopes of their ultimate and complete triumph are entertained.

[TRANSLATION.]

Department of Foreign Affairs—No. 66 of the protocol.
View of the present state of Greece.

The most cruel of tyrannies, of exactions without number, induced the Greeks to a just revolt. Their first operations were attended with some successes, which were of very little consequence, owing to the want of union among themselves. Some particular governments were established, but they did not answer the purpose which was intended. Then the deputies of the nation were called together at Epidamus, for the purpose of establishing an Organic law. This assembly, of which Prince Mavrocordato was President, after a month of deliberations, fixed the mode of a provisional government, the duration of which was to be one year.

After the dissolution of this assembly, the Government which had been formed in it was proclaimed, and recognised in the Islands, the Pelo-

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ponnesus, and the Continent. The people being satisfied, submitted with joy to its decisions, and order and justice succeeded to violence and anarchy.

The authority of this Government acquires, every day, new strength, and it may be hoped that, soon, Greece, regenerated by the benefits of a wise and paternal administration, will show herself worthy of its independence.

By the efforts of its defenders, the Peloponnesus will be no more polluted by the presence of its oppressors. Four fortresses, Patras, Coron, Modon, Napoli de Romani, only remain in the power of the Turks; and the hour of their fall approaches. Napoli de Romani is about to follow the example of Corinth, which surrendered at discretion, and the other places are about to be entirely deprived of provisions and munitions, by the flight of the Turkish fleet. This fleet having left the Dardanelles, in the month of February, was favored by the winds, which prevented their passage of the Archipelago from being disputed. But at Navarino the Greeks, seconded by the ability of General Lenormand, and by the courage of some European officers, who were shut up there, rendered the projects upon that place abortive; this, doubtless, compelled it to go against Patras, and there effect the landing of the troops, which it had on board. It was after this operation that it was encountered by the naval forces of the Greeks. The Turkish fleet, beaten, pursued, and entirely dispersed, was obliged to seek refuge towards the coast of Egypt, where it was surprised by a tempest, in which it lost four frigates and two brigs. All the crews of these ships, and the commander of the squadron, Ismael Gibraltar, were drowned. It was also obliged to abandon, on our coasts, several transports loaded with provisions, destined for the army which came to be landed.

This army, composed of four thousand men, weakened every day by the diseases and dissensions which have sway in it, takes refuge under the cannon of the fortress of Patras, into which entrance has been refused it. There, blockaded on one side by a Greek squadron, and on the other harassed, night and day, by the troops of General Colocotroni, it will prove, by its total annihilation, that every effort will always be vain, against a people which wishes for its liberty, cost what it will.

In Attica, the fortress of Athens alone is in the power of the Turks, and the bombardment of it, to which a fortunate issue is expected, commenced several days ago.

Boeotia, Phocis, and Locris, have driven out the enemies of their beautiful provinces. The Government is very seriously occupied with the means of possessing itself of Zitouny, where there is still a body of the Turkish army, in order to enable it to cause the troops in Thessaly to advance simultaneously with the general movement of the inhabitants of Mount Olympus, a bold and warlike people, and render the position of the enemy more critical.

The defiles of Pindus being in our possession, all communication between the rest of Turkey

and Thessaly, and all retreat for the enemy's army, that shall then be in this province, will be immediately, from that time, impossible. All Etolia, Epirus, and almost all Arcania, are in the power of the Government, with the exception of some places which are under a rigorous blockade.

I have now to speak of Albania. What will be its relations with us? The future alone can resolve this important question; and the well known character of this people does not permit the calculation of events from probabilities; sometimes neuter and sometimes partisans, by turns our allies and enemies, which they have practised to the present time, passing in appearance from one party to another, without really serving the interests of that which they had adopted. The death of Ali Pacha has produced little effect. The Turks, proud of this success, which they owe only to the treachery of the very soldiers of this Pacha, have appeared to take courage; but, being repulsed at Wonizza, they appeared to have almost abandoned their attempts. Such is the situation of affairs in the Peloponnesus and on the continent.

Almost all the Islands being free, have submitted to the Government, and cause the Greek flag to be respected in the Archipelago. At Chios, six thousand Samiotes have landed, to favor the independence of that island, and have shut up the Turks in the fortress. Mitylene in a short time will have shaken off its yoke, and Candia still combats, with advantage, against superior forces; but the known valor of its inhabitants, and the justice of their cause, will make up for number.

At the moment I am writing, the news of the victory obtained over the Turks at Riguassa, comes, to be communicated to the Government; four hundred of the enemy remain upon the field of battle, and the rest of their army has been put to flight. The Suliotes, by their accustomed bravery, have covered themselves with glory.

More recent news come to inform us of more new successes; Colonel Ulysses, with fifteen hundred men, landed on the 1st of April at Helisa; after an obstinate battle against forces superior in number, he became master of the village, as also of the port of St. Marine, pursued the enemy to Zitouni, killed three hundred men, and made some prisoners. General Niketa, commander of the Peloponnesian troops, joined his operations to those of Colonel Ulysses, and, from every thing, it is believed they have already entered Zitouni. Colonels Mitzi, Kondojoanni and Skalzodini advanced upon Patradjik, and have gained some advantages. Of the body of the Greek army, composed of ten thousand men, who act from this side to the centre, commanded by Colonel Panvurja, supported by Miezatis, the right wing is formed by the troops of General Eritika and of Colonel Ulysses, and its left wing by those of Colonels Kondojoanni and Skalzodini.

A new fleet is just gone from Constantinople; it is composed of vessels of different sizes; it has attempted a landing on the island of Chios, but, repulsed with loss at that point, it has retired.

Condition and Prospects of the Greeks.

The Secretary of State and Minister of Foreign Affairs,
 TH. NEGRIS.
 The Secretary General, V. GALLIVA.
 CORINTH, the 8th [20th] April, 1822.

[TRANSLATION.]

Note of Mr. Lurcottis, Agent of the Greeks, at Madrid, to his Excellency Evaristo San Miguel, Secretary of the Despatch of State of His Catholic Majesty.

May it please your Excellency :

If there is a time when the principles ought to be revived, which an unfortunate, but very celebrated philosopher of France, published in 1793, "That the men of all countries are brothers, and the different nations ought mutually to assist each other according to their power, as citizens of the same State :

"That those who make war on a people for the purpose of arresting the progress of liberty, and destroying the rights of man, ought to be every where pursued, not as ordinary enemies, but as assassins and rebellious robbers :

"That tyrants, whoever they may be, are slaves revolted against mankind, the sovereign of the earth, and against nature, the legislator of the universe :"

And if there is a nation, in whose favor these principles ought to be applied, it is, doubtless, Greece, at the present time. It is not intended, here, to press the rights which the Greeks have to the being recognised by the civilized nations of Europe, for the lights which their ancestors have given them in liberal sciences, arts, legislations, and in true models of men, illustrious for their love of country ; and still less the most evident rights which they will now have to shake off the Mussulman yoke, with which any of the despotisms, against which the other nations of Europe contend, could not be compared. It will be sufficient only to remark, that Greece, victorious and free, is the most certain security of the liberties of the Spanish peninsula :

Because, from the certain liberty in Greece, necessarily flows that of Italy, which is enslaved, if I may be allowed the expression, between the Peninsula and the new Grecian States :

Because, the establishment of a free State, raised in Greece, upon the ruins of the legitimate Ottoman power, at the time when open war has been declared between the people and the despots, as between the principles of light and the principles of darkness, ought to result in the annihilation of this Empire of the Crescent, and, consequently, that of its accessories, Tunis, Tripoli and Algiers ; and, the Greeks being once masters of the Egean Sea, these three pirates will be no more able to recruit their bands of assassins in Albania, at Smyrna, and at Constantinople ; and they will there lose their forces, which have been always restless, and even now, Spain, and the increase of this moral fire, which the legitimates call pest, which ought to deliver Germany from despotism, and encourage the French to resume their ancient

post in the career of liberty ; and because, in fine, this will only be after the accomplishment of these prophecies, that this peninsula will be left sufficiently tranquil at home and abroad to be able to reckon upon its consolidation of its liberty, which has cost, and does every day cost, it so many sacrifices of every kind.

Spain has no real need of succor from any other nation for maintaining itself a State free and independent.

The courage, the heroism of her children, are, in every respect, a proof ; but the despotism, to succeed in its liberticidal projects, does not always please to excite, to irritate this valor. It is sure of its triumph, provided that it should succeed in keeping alive the fire of civil discord. Even the most courageous people feel themselves fatigued of so trifling, yet continued a war, and often, after the torments of despotism, they have recourse to this as to a guardian angel ; preferring the future, but little felt evil, to the present ; and tranquillity, although cadaverous, to a struggle which leaves them no repose—at this very moment, Spain makes trial of a part of this sad truth. The insulating, therefore, of a nation which wishes to be free, is, in the times wherein we live, the most impolitic measure which she can adopt.

Despotism has formed and published its alliance ; and has, if I may be allowed the expression, hurled a formal defiance at the nations that wish to maintain or to recover their liberties. It insults them all, because it is conscious of its power to vanquish them, either by the force of hireling bayonets, with which it inundates them, or by the silent manœuvres which organize civil war, the division and quarrels of parties with which it harasses them. It is, therefore, necessary to oppose to this alliance of tyrants, that of the nations who have achieved their liberty.

If, for a nation to be free, the will of being so were sufficient ; if, what gives the disposition, insured equally success ; if, in fine, the valor of a people were a sure guarantee of success, Greece and the Greeks would not this day doubt of their triumph. The modern Greeks have already, in more than one engagement with the Turks, shown themselves worthy successors of the Greeks of Marathon, of Thermopylæ, of Salamis, of Strimon, of Cnidus, &c., but they want men, for frightful despotism capriciously destroyed them, and of it population has never been an accompaniment. They want money, because it would have been the price of their head to have been rich. They want arms, powder, lead ; because no despotic government leaves these at the mercy of slaves ; and because the struggle which the Greeks have so long maintained, has consumed the provisions which their bravery and the small succors brought by the foreigner had procured them. Yet, they still continue, in more than one place, to fight, and defend themselves against the Turks, with inferior weapons.

They have abundance of lands and national property : for three-fifths of the territory belonged to the Mussulmans, as the price of confiscations

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made after cutting off the heads of opulent Greeks ; but these lands, this property, are nothing at the present moment, when the Greeks ought to handle the musket instead of the plough, when money is wanting, and when the public credit is not yet established.

The Greeks will never return under the Ottoman yoke. But, in continuing a struggle so unequal, without other support, without other succor, they will all perish. What is the use of liberty in the tomb? What the advantages which Spain, Italy, and Europe, panting after liberty, can expect from a triumph over the Greeks?

The United States of America, after having sustained, with equal courage, and at equal sacrifices, their cause of Independence, against a despotism much less dreadful, owed their triumph to the protection of a European Power. Why should not Greece rely upon some protector among the free States of that same part of the world to which she belongs? By what fatality is she persecuted by the Government of England, which ought to be the father of free nations, and forgotten by those Governments which profess the same principles which she has just proclaimed?

The Greeks have till now been flattered by a number of private associations who came to their aid, but no Government has as yet partaken of this generous enthusiasm ; and yet the succors, as well moral as physical, which are necessary for them, cannot be afforded them but by Governments.

There is some reason to believe that the Government of Corinth has opened some negotiation with the said United States of America. May these States pay, in favor of Greece, the tribute of recognition which they owe to Europe for the liberty which they know so well how to enjoy.

The same Government, which leaves nothing untried which may conduce to the triumph of the holy cause which it directs, cannot forget to address itself to magnanimous Spain, to a nation which, more than every other, shows to the universe that she feels all the value of liberty and independence, to a Government which, each day, ought to be more persuaded that the allied despotism aims, and will aim, more or less, openly, but always obstinately enough, at the consolidation of its present system. As to politics, the before cited Wicqueford says that the infallible means of vanquishing one's rivals in diplomacy, is to be frank, because he is sure of not meeting them in his way.

If, then, Spain can believe it to be to her advantage to recognise, and to protect, and to succor the Government of Corinth, what measure, what conduct, has she to pursue towards the other Governments, which have never openly pronounced against the Hellenic revolution?

The undersigned is not authorized to speak upon this article. He is only commissioned, in general, to solicit every species of succor which the Spaniards can send to the Greeks, either in money, or arms, powder, lead, men, ships, frigates, brigs, &c., of war.

But he knows how far, among the generous

succors, the article of a like moral aid would preponderate. Interested for his country, he confines himself to the making the rough draught, and to offer up prayers that the Spanish Government would be pleased to send some one to Greece, to treat upon this important subject, and upon all the others which might be necessary, and of great utility to Spain.

In the meantime, upon the point of physical succor, the undersigned has the honor to observe to your Excellency, that the question is not respecting a donation, but only respecting a loan, and that the responsibility of a free Government in Greece is beyond all the wants and those which it will have to fulfil to arrive at its consolidation.

That small succors are also useful to the Greeks in their present situation, because every little thing becomes a great deal to one who is pressed by want.

That the manner of carrying them into Greece, and securing the reimbursement, is left to the will of the Spanish Government.

That the greatest secrecy ought to be observed in all that Spain wishes to do, as a Government, in favor of the Greeks, in order that the diplomatic spies may not try to perplex it, and may not succeed in rendering it abortive.

That, finally, in the absence of the persons to whom the undersigned had letters to deliver here at Madrid, on the part of Prince Mavrocordato, of the Minister of Foreign Affairs, Negri, and of the Bishop Ignatius of Pisa, that they would be pleased to support their requests as well before the Government as before the brave Spanish patriots, it was, doubtless, a happiness for the undersigned to have met here a Minister so eminently well affected, and a Minister of Foreign Relations so liberal as your Excellency, to whom he can directly address himself in the two-fold aim mentioned, and in the accomplishment of his mission.

Your Excellency's most obedient and most humble servant,

LURIOTTIS.

MADRID, November 21, 1822.

Extract of a Letter from Mr. Rush to Mr. Adams, dated

LONDON, February 24, 1823.

"I received, the day before yesterday, a paper, of which a copy is enclosed, addressed to you, by Andreas Luriottis, an agent or deputy from Corinth, on behalf of the cause of the Greeks."

It will be perceived that, after describing the general nature of the revolution now going on in Greece, the object of the paper is to solicit aid of the United States, and the establishment of diplomatic connexions with them.

This gentleman, who has recently arrived in London, brought me a letter of introduction from General Dearborn, at Lisbon, and I received him in a manner due to the interesting character which he bears. I assured him that the fortunes of his country were dear to the people of the Uni-

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ted States, who, cherishing the freedom which they themselves inherited and enjoyed, looked with the warmest sympathy upon the struggle of the Greeks for their national liberties; and that the Government of the United States participated in this feeling. Of the latter, I considered the late mention of the subject by the President, in his Message to Congress, at the opening of the session, as the authentic proof.

To the inquiries of Mr. Luriottis, whether my Government would open political or diplomatic relations with his, at the present day, I replied, that this formed a point on which I was wholly uninformed, and could not undertake to give my opinion. That it involved considerations of expediency, as applicable to the United States, as well as of advantage, or otherwise, as applicable to the Greek cause itself, that would be maturely weighed at Washington, before any decision could be pronounced. All that I could say, was, to reiterate the assurance of the friendly interest that was felt amongst us, for the success of the cause in which his country was embarked; and I adverted to the part which my Government had acted, in relation to the South American struggle—a part so much in advance of that of any other Government—as a sure indication that it could feel no backwardness in welcoming, when the proper day arrived, the new-born freedom of Greece, into the family of nations. In the end, I informed him that I would gladly become the organ of transmitting to my Government whatever distinctive overtures or communication he might determine to make to it—a request which, in the course of our conversation, he had himself made of me. These overtures he has set forth in the paper enclosed.

Mr. Luriottis dwelt with confidence upon the advances which his country has made in the career of her independence—advances the more solid and encouraging, as they have been won amidst formidable difficulties, by the mere unassisted efforts of her own valor and constancy. Since the capture of Napoli de Romania, the strongest fortress which the Turks had in the Morea, he seemed to consider that the cause of independence was placed upon a sure basis. The Greeks, since this event, have removed the seat of their Government from Corinth, where it was fixed at first, to Napoli.”

Andreas Luriottis, Envoy of the Provisional Government of Greece, to the Honorable John Quincy Adams, Secretary of State to the United States of America.

SIR: I feel no slight emotion, while, in behalf of Greece, my country, struggling for independence and liberty, I address myself to the United States of America.

The independence for which we combat, you have achieved. The liberty to which we look, with anxious solicitude, you have obtained, and consolidated in peace and in glory.

Yet Greece, old Greece, the seat of early civilization and freedom, stretches out her hands imploringly to a land which sprung into being, as it

were, ages after her own lustre had been extinguished, and ventures to hope that the youngest and most vigorous sons of liberty will regard with no common sympathy the efforts of the descendants of the heir and the elder born, whose precepts and whose examples have served, though insufficient hitherto for our complete regeneration, to regenerate half a world.

I know, sir, that the sympathies of the generous people of the United States have been extensively directed towards us; and since I have reached this country, an interview with their Minister, Mr. Rush, has served to convince me more strongly how great their claim is on our gratitude and our affection. May I hope that some means may be found to communicate these our feelings, of which I am so proud to be the organ? We still venture to rely on their friendship; we would look to their individual, if not to their national co-operation. Every, the slightest assistance, under present circumstances, will aid the progress of the great work of liberty; and if, standing as we have stood, alone and unsupported, with every thing opposed to us, and nothing to encourage us but patriotism, enthusiasm, and, sometimes, even despair; if thus we have gone forward liberating our provinces, one after another, and subduing every force which has been directed against us, what may we not do with the assistance for which we venture to appeal to the generous and the free?

Precipitated by circumstances into that struggle for independence which, ever since the domination of our cruel and reckless tyrants, had never ceased to be the object of our vows and prayers, we have, by the blessing of God, freed a considerable part of Greece from the ruthless invaders. The Peloponnesus, Etolia, Carmania, Attica, Phocida, Bœotia, and the islands of the Archipelago, and Candia, are nearly free. The armies and the fleets which have been sent against us have been subdued by the valor of our troops and our marine. Meanwhile, we have organized a Government founded upon popular suffrages, and you will probably have seen how closely our organic law assimilates to that Constitution under which your nation so happily and so securely lives.

I have been sent hither by the Government of Greece to obtain assistance in our determined enterprise, on which we, like you, have staked our lives, our fortunes, and our sacred honor; and I believe my journey has not been wholly without success. I should have been wanting to my duty had I not addressed you, supplicating the earliest display of your amicable purposes; entreating that diplomatic relations may be established between us; communicating the most earnest desire of my Government that we may be allowed to call you allies as well as friends; and stating that we shall rejoice to enter upon discussions which may lead to immediate and advantageous treaties, and to receive as to expedite diplomatic agents without delay. Both at Madrid and at Lisbon I have been received with great kindness by the American representative, and am pleased to record the expression of my gratitude.

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Though, fortunately, you are so far removed, and raised so much above the narrow politics of Europe as to be little influenced by its vicissitudes; I venture to believe that Mr. Rush will explain to you the changes that have taken place, and are still in action around us in our favor; and I conclude, rejoicing in the hope that North America and Greece may be united in the bonds of long-enduring and unbroken concord, and have the honor to be,

With every sentiment of respect, &c.,

AND. LURIOTTIS.

LONDON, February 20, 1823.

Mr. Adams to Mr. Rush.

DEPARTMENT OF STATE,

Washington, August 18, 1823.

SIR: I have the honor of enclosing, herewith, an answer to the letter from Mr. Luriottis, the agent of the Greeks, addressed to me, and a copy of which was transmitted with your despatch, No. 295.

If, upon the receipt of this letter, Mr. Luriottis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian emancipation, the Executive Government of the United States has been governed, not by its inclinations, or a sentiment of indifference to the cause, but, by its constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks only by the application of some portion of their public force or of their public revenue in their favor, and it would constitute them in a state of war with the Ottoman Porte, and perhaps with all the Barbary Powers. To make this disposal either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of the United States with reference to foreign nations has always been founded upon the moral principle of natural law—*peace* with both belligerents. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been *peace* with both belligerents. From the first war of the French revolution to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which *one* of the parties was contending for liberty or independence. To the first revolutionary war, a strong impulse of feeling urged the people of the United States to take side with the party which, at its commencement, was *contending*, apparently, at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle

then deliberately settled has been invariably adhered to ever since.

With regard to the recognition of sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every nation must exercise some latitude of discretion. Precluded, by their neutral position, from interfering in the question of right, the United States have recognised the *fact* of foreign sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of Government in many of the European States, and the revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, political and military. Should Mr. Luriottis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, &c.,

JOHN QUINCY ADAMS.

RICHARD RUSH, *Envoy, &c., at London.*

Mr. Adams to Mr. Luriottis.

DEPARTMENT OF STATE,

Washington, August 18, 1823.

SIR: A copy of the letter which you did me the honor of addressing to me, on the 20th of February last, has been transmitted to me by the Minister of the United States at London, and has received the deliberate consideration of the President of the United States.

The sentiments with which he has witnessed the struggle of your countrymen for their national emancipation and independence, had been made manifest to the world in the public Message to the Congress of the United States. They are cordially felt by the people of this Union; who, sympathizing with the cause of freedom and independence, wherever its standard is unfurled, behold with peculiar interest the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time, with the proudest glories of former ages, in the land of Epaminondas and of Philopœmon.

But, while cheering with their best wishes the cause of the Greeks, the United States are forbidden, by the duties of their situation, from taking part in the war, to which their relation is that of neutrality. At peace themselves with all the world, their established policy, and the obligations

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of the laws of nations, preclude them from becoming voluntary auxiliaries to a cause which would involve them in war.

If, in the progress of events, the Greeks should be enabled to establish and organize themselves as an independent nation, the United States will be among the first to welcome them, in that capacity, into the general family; to establish diplomatic and commercial relations with them, suited to the mutual interests of the two countries, and to recognise, with special satisfaction, their constituted state in the character of a sister Republic.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

ANDREAS LURIOTTIS,

*Envoy of the Provisional Government
of the Greeks, London.*

Extract of a letter to the Secretary of State, dated Marseilles, August 6, 1823.

"I have endeavored to obtain accurate information relative to the actual state of the struggle between the Greeks and the Ottomans. The following particulars, I think, may be relied on. The Porte is making great preparations by land to bring the war to a successful conclusion. The Turkish fleet has succeeded in provisioning, for a year, the garrisons of Carysto, in Negropont, Canée, the capital of Candia, (or Crete,) and also Coron, Modon, Patras, and Corinth, in the Morea. The two last places have been repeatedly and incorrectly represented, in the American newspapers, as having long since surrendered. The Porte has offered the Greeks, through the mediation of Lord Strangford, to place the Morea on the same footing as the provinces of Wallachia and Moldavia; i. e. to place it under the government of a Greek Prince, who should have the entire administration of the affairs of the province, and who should annually pay a certain portion of its revenues into the treasury of the Porte. The British Ambassador, in order to induce the Greeks to accept these terms, has dispersed among them a declaration, that they are not to expect aid from any of the European Sovereigns. On the other hand, the Greeks do not seem as yet disposed to peace, but are making preparations to resist, as they may, the forces which are approaching them on all sides. Such was the state of things by the last advices."

Extract of a letter to the Secretary of State, dated

"MARSEILLES, Aug. 27, 1823.

"There is no certain intelligence from Greece later than that contained in a letter I had the honor to forward to you a fortnight since. The Turkish Admiral was, fifteen days ago, in the neighborhood of Patras, where he had landed five thousand men. The Smyrna Gazette reports, that the main Turkish army, 60,000 strong, had obtained, after some hard fighting, possession of the defiles of Thermopylæ, but this as yet is not confirmed."

[Translation.]

STATISTICAL TABLE of Greece, according to the work of MR. POUQUEVILLE. *Original received from Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg.*

[N. B. * This mark indicates the cities and provinces freed since 1821, and at present in submission to the National Congress of Corinth.

† Indicates the countries in insurrection.

‡ Indicates the cities and forts besieged by the Turks.]

Greece may be apportioned into three grand divisions—continental Greece,† the isthmus of Peloponnesus,* and the islands.

Continental Greece.—It contains seven provinces, which are—Epirus,† Macedonia,† Thessaly,† Acarnania,* Etolia,* Locris,* Phocis,* comprehending Livadia.†

Epirus† has an extent of 1,100 square leagues of 2,500 toises. The population is estimated at 373,000 souls. Its principal cities are Janina, Zagori, Conitza, Prémithy, Cleissoura, Condessi, Canina, Tebelen, Aulone, (a port,) Bérat, (a fortress,) Elbassan, Durazzo, (a fort,) Argyro-Castron, Liboro, Delvino, (fortified,) Conispolis, Paramythia, Gomenitza, (a port,) Margariti, Parga, (a fort,) Regniassa, (a fort,)* Preresas, (a port and fort,) Souli, (a fort,)* Arta, (a fort and seaport,) Calarites,* Metzowo,* Syracos, &c.

The rivers which pass through Epirus in different ways, are the Voioussa or Aous, the Calamas or Thyamis, the Glykys or Achéron.

The country generally is mountainous, intersected with large valleys; its aspect is various, and may be said to present an abridgment of all the climates; it abounds in cattle, and in rich pastures. The articles of exportation consist of grain, of sheep and goats, of building timber, cotton, wool, pitch, wax, tobacco; and some mountains of Epirus contain mines, which the Government neglect to explore, and which the Christian inhabitants dare not discover, fearful of being themselves buried in these mines, to gratify the cupidity of their masters.

The principal seaports of Epirus are—L'Arta, Aulone, Prevesa, Vonitza, Port Palarme, Porto Raguzo, Gomenitza, Durazzo. The value of wares and foreign productions imported by these ports was, in the year 1812, 6,590,902 piastres; the exportation, during the same year, was 7,804,063 piastres. The Epirotes are, in general, warlike, and of a robust constitution, impatient of the yoke, and proud, in spite of the dependence in which they live; shepherds rather than agriculturists, they almost all carry arms, and prefer to inhabit the mountains, and the situations most difficult of access. Divided into colonies, and long governed by the feudal administration of the Beys, they have seen, too late, all these partial tyrannies united into one only, and the most monstrous of all, that of Ali Pacha of Jannina. In the midst of the chaos of the administration of this Vizier, it may be calculated that Epirus paid annually to the Grand Seigneur a tribute of two

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millions of piastres, and that Ali received for himself ten other millions, without including the revenues of his sons, the advances and spoiliations of every kind to which this province was exposed.

Macedonia,† divided into Illyrian and Cisaxian, has an extent of 1,692 square leagues. Its population may approximate to 436,000 inhabitants. Its most remarkable cities and towns are—Bitolia or Monastir, Prilipé, Cojani, Delvendos, Flourina, Cailary, Castoria, Greveno, Lep sini, Bichlistas, Croupitcha, Piassa, Gheortelia, Staria, Prespa, Critchowa, Ochrida, Chiatista, Veria,* or Karaveria, Jenidjé, Salonica.

The rivers which water Macedonia are the Vardar or Axios, and the Bichlista or Haliæmon. This province abounds in small cattle, corn, wines, cotton, and tobacco.

The Macedonians are agriculturists and merchants. The merchants of Bitolia, of Castoria, of Chatista, and of Salonica, have frequent correspondence with the commercial places of Europe; they send caravans to Bosnia and Hungary. The Macedonians, as well as the other nations of Greece, partake of their Hellenic origin; they are brave and considerate. Numerous Bulgarian and Albanian colonies are established in this province, actually divided into cantons, and subject to the destructive administration of the Pachas of Romelia and their subordinates.

Thessaly† contains, within an extent of 516 square leagues, 275,000 inhabitants; there are reckoned 962 villages, and the following cities: Tricala, (the chief place, and residence of a Pacha,) Klinoro, Stagous, Pharsalia, Larissa, Alas son, Rapchana, Tournovo, Platamon, (a fort,) Caterin, Agia, Velestina, Dechani, Volo, (a port,) Armyros, Thaumaco. Thessaly, watered by the Peneus, and by several other rivers, tributaries of that river, is one of the most fertile countries of European Turkey: it produces corn, silk, cotton, tobacco, and, until the year 1810, the manufactures of Tournovo, of Ambelakia, and of Agia, sent abroad dyed cottons, stuffs, and woollens, to the amount of several millions; the Greek merchants of these cities had factories in Germany. The seaport of Volo, situated on the gulf of the same name, favored the exportation of the grain which the sailors of Ibra, and of other islands, came there to load. The natives of Thessaly vary in their character, and their occupations, according to the places which they inhabit; industrious and submissive in the cities, laborious and peaceful husbandmen in the country, intrepid sailors in the cantons situated near the sea, they are bold and independent in the mountainous regions. Numerous bands of these mountaineers go from Olympus, from Ossa, and from Mount Pelion, and having at their heads enterprising chiefs, sometimes contend with the forces of the Pacha of Epirus, and of Romelia; They have even possessed themselves of several cities of Thessaly, and defended them for years. Worn out with efforts, disappointed in their hopes, and deprived of their brave chiefs, they retired to their mountains, where they still form a population warlike and independent.

Acarnania* has an extent of 92 square leagues, and 8,635 inhabitants; the remains of a population formerly flourishing. There are still reckoned there sixteen cities and villages, the most remarkable of which are, Vonitza, Catona, Dragomestre, and Catochi, (a seaport.) This province, which made a part of the Government of Ali Pacha, and which has undergone all the torments of his administration, presents only ruins and solitude. It, nevertheless, carries on a feeble commerce with the Ionian Islands and the Ambracian or Artan Gulf; its inhabitants keep up the fisheries in the same gulf, as well as on the numerous lakes in the interior of the country.

In this province, as in all the continent of Greece, there are found, in the declivities of mountains, hamlets and villages inhabited by men, who, flying from oppression, and striving to insulate themselves wherever they find a savage nature. Masters of the defiles which form the passage between Epirus and the southern provinces of Greece, the mountaineers of Acarnania can interrupt the communication between these two provinces, and oppose, with success, the movements of an army which might try to advance from this side towards Etolia and the Morea. Some cantons of this province are, at this day, entirely uncultivated and depopulated; others are covered with forests and barren grounds, which only want strength to be converted into productive lands.

Etolia,* separated from Acarnania by the river Aspropotamos or Achelous, contains, in its present subdivisions, four cantons, and 83,455 inhabitants, distributed among 236 towns and villages, the principal of which are: Vrachori, Carpenitze Agrapha, Missolonghi, (a port,) Lepante† or Nauptacte, (a fort, and residence of a Pacha.) This province produces grain, rice, oil, silk, and wine. These productions, added to the revenue of the fisheries and customs, give an annual produce of 3,293,700 piastres.

The cantons of Etolia, annexed, according to the register of the Ottoman Government to the Pachalik of Negropont, had been successively seized upon by Ali Pacha, who intrusted the administration of them to his lieutenants. The pure blood of the ancient Etolians, their carelessness, their contempt of death, is still found among the colonies of Agrapha and of Carpenitze. Animated with the energy which the vital air of the mountains of these cantons gives them, they are always induced to repel the attacks of the tyranny. In this part of Etolia, the league of the *armatolis* was formed. These bands, reinforced by all the discontented of Greece, have sometimes opposed force to force, fanaticism to fanaticism, and have caused the satraps of Thessaly and Epirus to make satisfaction for the unjust enterprises formed against their liberty.

The country comprehending Locris,* Phocis,* Livadia,‡ and Attica, contains, by an approximating calculation, 450 square leagues, and a population of about 140,000 souls. Salone, Thebes, Livadia, and Athens,‡ are the principal cities of this country; the face and resources of which are, with some variations, nearly the same as in the

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countries which have been just above delineated in the table. It may be affirmed, that, in all these provinces, forming continental Greece, the number of Christian inhabitants is, to that of Mahometans, in the proportion of five to one; which would give to all this region a total of 1,316,080 inhabitants, of which there are more than a million of Christians, dispersed over an extent of country which could abundantly contain and support upwards of thrice that population.

PELOPONNESUS.

Peloponnesus,* or the Morea, has a surface of 840 square leagues. Its population is 240,000 Christian inhabitants, distributed in 1,421 villages, towns, and cities, the principal of which are: Corinth, (a fort,) Argos, Naupli, (a fort and port,)+ St. Pierre, Mistra, or Sparta, Monembossie, (a fort,) Calamate, Androussa, Coron, (a fort and road for shipping,)+ Modon, (a fort and road,)+ Navarin, (a fort and port,) Arcadia, Gastonni, Lala, Patras, (a fort and port,)+ Vostitza, Calavryta, Tripolitza, (a fort,) Cariténe, Leondari.

Its rivers are the Rofia or the Alpheus, the Vossili-Potamos, or the Eurotas, and several others of a shorter course. The mountains of Arcadia, those of Lala or the ancient Pholœ, Mount Olenos, and the Taygete, connect the country in different ways. Notwithstanding the catastrophes which the Peloponnesus has experienced, and notwithstanding the ruinous administration of the Pachas, this province still preserves immense resources, owing to its fertility as well as to its topographical situation. Its agricultural productions are numerous and various; and, according to a calculation made upon the places, the different cantons of the Peloponnesus produce, one year with another, 820,000 kilos. of corn, (wheat,) which fetches 6,560,000 piastres, reckoning the kilo. at eight piastres, the selling price upon the places; 1,169,000 kilos. of maize, barley, and dry vegetables, making 7,402,000 piastres, according to the ordinary sale price; 53,000 barrels of oil, making 2,790,200 piastres, reckoning the barrel at from 40 to 45 piastres; 227,550 pounds of silk, making 3,738,500 piastres; 278,000 quintals of cotton and raw wool, making 1,388,800 piastres. The other revenues of agriculture and of industry—such as wine, cheese, butter, cattle, currants, honey, cotton thread, and stuffs of wool—produce annually in cash the sum of 8,818,500 piastres, which gives a total of 30,698,000. The different imposts and ground rents of the Province amounted, in the year 1814, to 12,816,241 piastres, which left in favor of the managers a difference of 17,881,759 piastres. With this excess, of which the seventeenth went into the treasuries of the Beys, the Agas, and the great proprietors, the inhabitants pay their individual expenses, and the cantons buy in the markets of the province the provisions of the first necessity which they do not grow, and the articles coming from abroad.

In the above extract of revenues and of ground rents of the Peninsula, the country of Magna* or ancient Laconia, is not included. This canton, placed upon the declivities of Mount Taygete, from

the city of Calamata to Cape Matapan, is divided into twelve captaincies, and forms a particular species of government, subject to the authority of a native Bey or Prince, held of the Grand Admiral of the Porte. The Magnates (poor, and naturally ferocious) know no other business than that of arms and piracy. In 1813, there were reckoned 10,000 men capable of bearing arms, in a population of 30,000 inhabitants, (Christians and aborigines,) who depended only nominally on the Ottoman Porte.

ISLANDS OF GREECE.(1)

The islands of Greece, according to their geographical order, from south to north, and from —, are:

Candia† or Crete. It is sixty leagues long, and twenty broad. The ports are, the city of Candia,† Rethymo,* Canca,† Kissamos. Its population is two hundred and forty thousand inhabitants.

Milo* or Melos, twelve leagues in circuit, and seven thousand inhabitants.

Santorin,* nine leagues in circuit; twelve thousand inhabitants.

Siphanto or Syphnos,* nine leagues long, and two broad; seven thousand inhabitants.

Nio or Ios,* twelve leagues in circuit; two thousand seven hundred inhabitants. It has a good harbor.

Amargos,* twelve leagues in circuit; six thousand inhabitants, and a good harbor.

Paros,* four leagues long, and three broad; two thousand inhabitants.

Naxos,* thirty leagues in circuit; ten thousand inhabitants.

Serpho,* four leagues long, and two broad, with a good harbor, and two thousand inhabitants.

Thermia or Cythnos* five leagues long, and two broad, with a good harbor, and four thousand inhabitants.

Engia or Egyne,* near the Morea, five leagues long, and three broad; five thousand inhabitants.

Coloury or Salamine,* twenty leagues in circuit, with a good harbor, and eight thousand inhabitants.

Zea or Ceos,* six leagues long, and three broad; six thousand inhabitants.

Syra or Syros,* fifteen leagues in circuit, with a harbor, and five thousand inhabitants.

Dili or Delos,* not inhabited.

Myconi,* twelve leagues in circuit, with a good harbor, and four thousand inhabitants.

Tine or Tenos,* seven leagues long, and three broad, and nine thousand inhabitants.

Andros,* thirty leagues in circuit; a harbor, and twelve thousand inhabitants.

Negropont or Eubœa,† four leagues long, and ten broad; twenty-five thousand inhabitants.

Skiros, six leagues long, and three broad; six thousand inhabitants.

Scopelos, eight leagues long, and four broad; seven thousand inhabitants.

Thassos, thirty leagues in circuit, with a good harbor, and eight thousand inhabitants.

(1) Vid. Abridgment of Geography, by l'Anglois, T. 2, pp. 24, 320.

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Samandraky or Samothrace, eight leagues in circuit, and two thousand inhabitants.

Imbros, ten leagues in circuit, with a fortified harbor, and three thousand inhabitants.

Stalimène or Lemnos,* ten leagues long, and eight broad, with a fortified harbor, and twenty thousand inhabitants.

Tenedos, fifteen leagues in circuit, with a fortified harbor, and five thousand inhabitants.

Mitylene or Lesbos, twenty leagues long and fifteen broad, with a fortified harbor and eighteen thousand inhabitants.

Chio,† fifteen leagues in circuit, [long] and five broad, with a large and good harbor, and sixty thousand inhabitants.

Samos,* twelve leagues long and six broad, with two harbors, and twelve thousand inhabitants.

Nicari, or Icaria,* eight leagues long and three broad; two thousand inhabitants.

Patmos* few inhabitants.

Leros,* with a large harbor and few inhabitants.

Calimne, or Claros,* six leagues in circuit, with a good harbor, and three thousand inhabitants.

Stanco, or Cos,* ten leagues long and four broad, with a fortified harbor, and five thousand inhabitants.

Stimpalie, or Astipaloe,* seven leagues long and three broad, with a good harbor and six thousand inhabitants.

Carpathos,* twelve leagues in circuit, with a harbor and four thousand inhabitants.

Rhodes, twenty-five leagues long and twenty broad; one hundred and fifty thousand inhabitants. The city of Rhodes is fortified; it has a large and good harbor.

Cyprus, one hundred and thirty leagues long and sixty at its greatest breadth. Its population is eighty-three thousand. The cities are, Nicosia, Cerina, (a large harbor,) Paphos, Limassal, Famagouste and Lamaca.

The islands of Idra,* Spetzia,* and Ipsara,* very important for their marine, reckon a population of fifty-eight thousand souls, or thereby.

The sum total of the population of the islands of Greece, may be estimated at eight hundred and thirty thousand inhabitants, among which are included about one hundred and sixty thousand Mahometans, and seven hundred and seventy thousand Christians. Add two hundred and seventy thousand for the Morea, and one million for continental Greece, and there is two million and forty thousand for the Greek population of these countries. The Greek inhabitants of Thrace, of Bulgaria, of Constantinople, of Smyrna, and of all Asia Minor, are not included in this number.

According to a detailed table, digested in the year 1813, the Greek marine of the islands and of different ports of Greece, amounted to six hundred and fifteen merchant vessels, five thousand eight hundred and seventy-eight cannons, and seventeen thousand five hundred and twenty-six sailors; of which, two hundred and forty vessels, four thousand three hundred and twenty cannons, and nine thousand nine hundred sailors, belong to the three islands alone, of Idra, Spetzia, and Ipsara.—(*Vide Pouqueville, T. 5. page 68.*)

FRENCH SPOILIATIONS.

[Communicated to the House, Feb. 5, 1824.]

*To the Speaker of the House of
Representatives of the United States :*

I transmit to the House of Representatives a report from the Secretary of State, agreeably to a resolution of that House of the 11th of December last, with the papers which accompanied that report.

JAMES MONROE.

WASHINGTON, Feb. 2, 1824.

DEPARTMENT OF STATE,

Washington, Feb. 2, 1824.

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 11th of December last, "requesting the President of the United States to communicate to that House copies of such parts of the correspondence of the late Minister of the United States at the Court of France, with the French Government, and such parts of the correspondence of said Minister with the Secretary of State, relative to claims of citizens of the United States for spoliations upon our lawful commerce, as, in his opinion, may not be inconsistent with the public interest;" has the honor of submitting to the President the papers required by that resolution.

JOHN QUINCY ADAMS.

Extracts from the general instructions of Mr. Monroe, Secretary of State, to Mr. Gallatin, Envoy Extraordinary, and Minister Plenipotentiary of the United States to France, dated

DEPARTMENT OF STATE,

Washington, April 15, 1816.

"It has, at all times, since our Revolution, been the sincere desire of this Government to cultivate a good intelligence with France. The changes which have taken place in her Government have never produced any change in this disposition. The United States have looked to the French nation, and to the existing Government, as its proper organ, deeming it unjustifiable to interfere with its interior concerns. The existing Government has, in consequence, been invariably recognised here, as soon as known. Should you find, that unfounded prejudices are entertained on this subject, which a frank explanation may remove, you are authorized to make it.

"Cherishing these sentiments towards the French nation, under all the Governments which have existed there, it has not been less a cause of surprise, than of regret, that a corresponding disposition has not, at all times, been reciprocated by the French Government towards the United States. The history of the last ten years is replete with wrongs, received from that Government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our citizens, is of great value, for which reparation

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has not been obtained. These injuries were received, under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he remained in power. Under the sensibility thereby excited, and the failure to obtain justice, the relations of the two countries were much affected. The disorder which has, of late, existed in France, has prevented a repetition of this demand; but now, that the Government appears to be settled, it is due to our citizens, who were so unjustly plundered, to present their claims, anew, to the French Government."

"A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every claim, founded on just principles, to be established, cannot be obtained.

"The management of this important interest is committed to your discretion, as to the moment and manner of bringing it under consideration, in which the prospect of obtaining a satisfactory reparation will, necessarily, have its due weight. You will be furnished with a letter of instruction, authorizing you to provide for it, by convention, should that mode be preferred."

The Secretary of State to Mr. Gallatin.

DEPARTMENT OF STATE,

Washington, May 7, 1816.

SIR: On the presumption that His Most Christian Majesty may be disposed to provide, by special convention, for the just claims of the citizens of the United States against France, as, also, for the like claims of French subjects against the United States—this letter is given to you by direction of the President, as an authority and instruction to negotiate a convention for that purpose, with such person or persons as may have a like authority from His Most Christian Majesty.

I have the honor to be, &c.

JAMES MONROE.

Extract of a letter, No. 10, from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State dated

PARIS, November 11, 1816.

"I have the honor to enclose the copy of my note, of the 9th instant, to the Duke de Richelieu, on the subject of indemnities due to citizens of the United States, on account of the illegal and irregular sequestrations and condemnations made under the authority of the former Government of France. I had some difficulty in collecting, from scattered documents, the information necessary to present a correct view of the subject, and adapted to existing circumstances."

PARIS, November 9, 1816.

MONSIEUR LE DUC: I had already the honor, in some preliminary conversations, to present to your Excellency a general view of the losses sustained by American citizens, under various illegal acts of the former Government of France; and

for which, the United States claim an indemnity from the justice of His Most Christian Majesty.

The right to an indemnity, being founded on the law of nations, extends to all cases, where there has been an evident infraction of that law, such as it is recognised by civilized nations.

Of the acts of the former French Government, openly violating that law; those issued on the 21st November, 1806, at Berlin, and on the 17th December, 1807, at Milan, were promulgated in the shape of public decrees, applicable, at least nominally, to other nations, as well as the United States. Other acts were, exclusively, directed against America; appearing, also, sometimes under the form of decrees, as that of Bayonne, of the 17th April, 1808, and that of Rambouillet, of the 23d March, 1810; and, at times, being only special orders for seizing or selling certain American vessels and cargoes. To these various acts, must be added, the wanton destruction, at different times, of American vessels on the high seas.

That the Berlin and Milan decrees, so far as they declared liable to capture and condemnation neutral vessels, pursuing an innocent commerce, and contravening no municipal laws, were an evident violation of the law of nations, has not been, and cannot be, denied. The plea of retaliation, grounded on a supposed acquiescence of neutral Powers in certain acts of Great Britain, and urged in justification of those decrees, was unjust in its principle, and altogether inadmissible, when affecting a neutral instead of an enemy. And, even that pretence for plundering a friendly Power was abandoned, when the two belligerent Governments, whilst continuing to capture the vessels of the neutral trading with their respective enemy, permitted a direct commerce, by means of licenses. But that plea was, in point of fact, destitute of foundation with respect to the United States. That they had uniformly opposed the aggressions of Great Britain, on their neutral rights, is notorious. It is not less true, and appears from all their public acts, and from the tenor of their negotiations with both belligerents, that it was solely owing to the acts of France, to the Berlin and Milan decrees, that still more decisive measures of resistance were not early adopted against Great Britain. So long as France and England equally continued to violate the neutral rights of America, she could not have selected either of those nations for an enemy, without tamely submitting to the aggressions of the other, and without deviating from that impartial course which it was her constant endeavor to pursue. And when, at last, the French decrees had been revoked, so far as America was concerned, the perseverance of England in continuing her unlawful orders, and in violating the rights of the United States, produced a declaration of war, on their part, against that country.

Notwithstanding the intrinsic justice of the claim of the United States for losses sustained by their citizens, under the Berlin and Milan decrees, it was intimated by your Excellency that those decrees having been of a general nature, other nations, that had also experienced losses by their operation, would have had an equal right to an

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indemnity, and that those acts not having been enumerated in the last treaties and conventions between France and the other European Powers, amongst those for which a compensation should be made by France, the United States ought not to expect to be placed on a better footing than other nations.

It would be preposterous to suppose, and it cannot have been intended to suggest, that the United States can in any case be bound by treaties to which they were not parties, and in which no attention whatever could have been paid to their interest. Nor can, by any correct analogy, the principles therein adopted be applied to America.

The allied Powers naturally sought to obtain indemnity in those cases in which they were most interested. Almost all, if not all of them, had been, during the late European wars, either at war, or in alliance with France, whilst the United States had never stood in either of those relations towards her. Hence, it necessarily followed, that the injuries sustained by the subjects of those Powers, differed essentially from those inflicted by France on American citizens. The Berlin and Milan decrees, so far as they extended beyond prohibitory municipal regulations, although nominally general, applied in fact almost exclusively to the United States. If there was any exception, it was in amount too small, and applied to nations whose weight was too inconsiderable to be taken into consideration. Of the other Powers, many had no interest that indemnities should be obtained on that account, whilst several of them, namely, England, Spain, Holland, Denmark, and Naples, had a direct interest that the principle should not be admitted. It will, of course, appear, that, by the Convention between France and Great Britain, compensation is to be made by France for all the property of English subjects confiscated or sequestered, not only during the last war, but also during that which preceded the Treaty of Amiens, and including even the loss arising from the reduction of the public debt of France, to one-third of its nominal amount, with the exception of the seizures and confiscations made in consequence of the laws of war, and of the prohibitory laws. And the exception precisely embraces the principal classes of injuries, for which the United States are entitled to indemnity, since their grounds of complaint against France are the abuse on her part of belligerent rights and the unlawful extension of prohibitory laws beyond their legitimate sphere.

Not only were the Berlin and Milan decrees an evident and acknowledged violation of the law of nations; not only the plea of retaliation against England, and of a presumed acquiescence in her aggressions, was unfounded, with respect to the United States; not only neither the treaties between France and the allied Powers are binding on America, nor the principles adopted in those treaties applicable to the relations in which she stood towards France; but those decrees were also an open infraction of the treaties subsisting between the two countries; namely, of the 12th, 13th, and 14th articles of the Convention of the

30th of September, 1800, which did not expire till the 31st of July, 1809. For, it was therein stipulated, that the citizens of either country might sail with their ships and merchandise (contraband goods excepted) from any port whatever, to any port of the enemy of the other, and from a port of such enemy, either to a neutral port, or to another port of the enemy, unless such port should be actually blockaded; that a vessel sailing for an enemy's port, without knowing that the same was blockaded, should be turned away, but neither be detained, nor her cargo be confiscated; that implements and ammunition of war should alone be considered contraband of war; and that free ships should make free goods, extending that freedom even to an enemy's property, on board the ships belonging to the citizens of either country. The French decrees, in violation of those stipulations, after having declared the British islands and possessions in a state of blockade, although they were not pretended to be actually blockaded, made liable to capture and condemnation all American (as well as other neutral) vessels, sailing on the high seas, from or to any English port, or even which might have been visited by an English vessel, as well as every species of merchandise belonging to English subjects, or of English origin.

It is true that, in answer to the American Minister who had applied for explanations respecting the construction intended to be given to the Berlin decree, assurances were at first given that it would produce no change in the previous regulations respecting neutral navigators, nor in the convention with the United States. This construction, which gave to that decree the character only of a prohibitory municipal law, was adhered to during the ten first months which followed its promulgation; and it was only in September, 1807, that merchandise, found on board of neutral vessels at sea, was declared liable to condemnation, merely on account of its being of British growth or manufacture. This fact is here stated for the purpose of observing, that the assurances which had thus been given, and the practical construction thus first put on the Berlin decree, prevented the early opposition which otherwise the United States would have made to it; and that this supposed acquiescence on their part served as a pretence for the British Orders in Council of November, 1807, which were immediately followed by the French decree of Milan.

The decrees and orders of the French Government, which applied exclusively to the United States, will now be noticed.

Assailed by the simultaneous aggressions of the two belligerent Powers, the first step of the American Government was to withdraw the commerce of the United States from the depredations to which it was every where exposed. An embargo was laid in the latter end of the year 1807, on all their vessels; and notwithstanding the extraordinary privations and the great loss of revenue which were incurred, that measure was persevered in during fifteen months. In the mean while, strong remonstrances were made to the

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French and English Governments, on the subject of their unlawful acts. Not only was the appeal to their justice fruitless, but it appears that, by an order said to have been issued at Bayonne, on the 17th of April, 1808, all American vessels then in the ports of France, or which might thereafter come into them, were directed to be seized, on the pretence that no vessel of the United States could then navigate, without infringing a law of the United States, as if the infraction of a municipal law could be lawfully punished by a foreign Power; as if it had not been notorious that a number of American vessels, which were abroad when the embargo became known to them, remained in foreign seas and countries, in order to avoid the effect of that law.

The pressure of the embargo on the agriculture and commerce of the United States became such, that Congress found it proper to modify that measure. By a law of the 1st March, 1809, the act laying an embargo was repealed with respect to all countries, England and France only excepted, and the vessels and merchandise of both countries were excluded from the United States after the 20th of May following; with the proviso, that, in case either France or Great Britain should so revoke or modify their edicts, as that they should cease to violate the neutral commerce of the United States, the commercial intercourse of the United States should be renewed with the nation so doing. This law in its nature was entirely municipal and pacific; and its object was to avoid immediate hostilities and to give further time for negotiations; to withdraw, as far as practicable, the navigation of the United States from the operation of the unlawful acts of both France and England, and to give to both sufficient inducements for repealing their edicts, by the actual privation of the benefits derived from the American commerce, and by the prospect that, in case of such repeal by either nation, she would again enjoy those advantages of which her enemy would continue to be deprived.

The act was officially communicated on the 29th of April, 1809, by the American Minister, to the French Government. It was not at that time treated as hostile; and if it produced no favorable change, no remonstrance was made against it. But, towards the end of the same year, orders were given to seize all the American vessels in France, or in the countries occupied by her arms; and after a great number had been thus seized, principally in Spain and in Holland, an imperial decree was, on the 23d March, 1810, issued at Rambouillet, ordering or rather confirming that seizure, extending it to all American vessels which had entered France or those countries since the 20th May, 1809, and directing that the product of the sales should be deposited in the *caisse d'amortissement*. The act of Congress of 1st March, 1809, was alleged as the motive for that outrageous measure. In point of fact, it is not believed that any vessel, the property of French subjects, had been forfeited for a violation of that act. At least, it is not recollected that any application was made for the remission of such forfeiture, to the

Treasury Department, which, by the law, was authorized to grant such remissions, and would certainly have done it, in any case where the law might not have been within the knowledge of the parties. But it cannot be necessary seriously to discuss a plea which was evidently but a pretence for plunder. It will be sufficient to observe, that the gross injustice of the Rambouillet decree consists in its retrospective operation; and that if the French Government had promulgated an order, excluding American vessels from the ports of France and of the countries occupied by her arms, and pronouncing the penalty of confiscation after due notice of that order, American citizens who might have voluntarily and knowingly violated the provisions of what was only a municipal law, would have been justly liable to its penalties.

The American property seized or captured by virtue either of those four general decrees, or of special orders, which are but partially known to the Government of the United States, may, in reference to its present situation, be classed under two general heads, viz: that which has never been condemned, and that which has been actually confiscated.

The first class embraces the vessels and cargoes burnt at sea, and those which have been sequestered.

It is not necessary to make any observations on the destruction of vessels at sea, your Excellency having already intimated that the Government of France was disposed to make compensation for acts of that nature.

The vessels and cargoes sequestered, and not condemned, consisted principally of those seized at St. Sebastian, and other places, in the latter end of the year 1809, and in the beginning of 1810, and sold by virtue of the decree of Rambouillet. Fourteen vessels which, during that Winter, had been driven into Holland, and which, by a particular agreement between the Government of that country and that of France, bearing date, it is said, the 16th of March, 1810, were put at the disposal of France, are of the same description. And exclusively of other special orders of the same nature, which may not be known to me, the cargoes of seven vessels arrived at Antwerp in the beginning of the year 1807, and which were permitted to be landed there, were also sequestered and finally sold by virtue of an order of Government, dated the 4th of May 1810. In all these cases there has been no condemnation, no final decision. The vessel and cargoes were only seized and sold by order of Government, and the proceeds of sales deposited in the *caisse d'amortissement*, or in some other public chest.

The right to demand and obtain a decision on all those suspended cases, is undeniable. Either the proceeds of sales will be restored to the lawful owners, by virtue of that decision, or the present Government of France must go beyond what had been done by the former Government, and decree the final confiscation of property, which even that Government had been unwilling to condemn. I will not permit myself for a moment to suppose that there can be any hesitation on that question.

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With respect to property actually condemned without intending to impair the indisputable right of the United States to an indemnity for every condemnation made by virtue of decrees, violating the acknowledged law of nations, I will beg leave to add some observations on the manner in which those decrees were executed, for the purpose of showing that an investigation and revision of those condemnations ought to take place, even if it was admitted that France had a right to issue the Berlin and Milan decrees, and to condemn vessels contravening their tenor. The time necessary to obtain information in that respect, has occasioned the delay which has taken place in making this communication, since the last conference I had the honor to hold with your Excellency.

1. These condemnations have, as has already been stated, been made in contravention of an existing treaty; so far at least as relates to property seized or captured prior to the 31st of July, 1809.

2. Several of the condemnations, or rather, acts of confiscation, were made by what has been called "imperial decisions, meaning thereby, not those cases where an appeal may have been made from that Council of Prizes to the Council of State, but those instances where the order of condemnation issued from the Council, or from Napoleon himself, without any previous regular trial and condemnation by the Council of Prizes. Such proceedings must be considered as irregular and arbitrary acts, contravening the usages and law of nations. It is sufficiently hard for the neutral that his property should be tried exclusively by the tribunals of the belligerent, where a natural bias exists in favor of the captors. It is at least necessary that the decisions should be made by a regular and permanent tribunal, acting according to fixed rules, and affording every security of which such an institution is susceptible. But the United States have a right to demand that those imperial decisions should be annulled not only as contravening the usages and law of nations, but as violating, also, an existing treaty. It has been stipulated by the 22d article of the Convention, of the 30th of September, 1800, "that in all cases, the established courts for prize causes, in the country to which the prizes might be conducted, should alone take cognizance of them." Of twenty-seven vessels and cargoes (captured or seized prior to the 1st of November, 1810) which, as appears by a list before me, were condemned by imperial decisions, eighteen had been seized or captured prior to the 31st of July, 1809, the day on which the Convention expired.

3. I have been assured that, upon investigation, it will be found that some of the decisions of the Council of Prizes itself, have taken place without observing the forms prescribed by law; without giving an opportunity to the parties of bringing their proofs; without an examination of the ship-papers, and, in fact, in obedience to an imperial order. A decision of the Council, dated 10th of September, 1811, and by which six ships and cargoes were at once condemned, is particularly mentioned.

4. The retrospective operation of the Rambou-

illet decree has already been mentioned. It will also be found that, in several instances, the Milan decree has received a similar construction, and that vessels have been condemned for having contravened that decree, which could not have known its existence, having sailed from American ports either before, or a short time after, it had been issued, and the alleged infraction of the decree itself having, at least in one instance, taken place prior to its date.

5. It might have been expected that, when the Berlin and Milan decrees were declared to be revoked from and after the 1st of November, 1810, no further condemnations would take place with respect to cases not yet decided at that time; notwithstanding which, it appears that forty-eight ships and cargoes, previously seized or captured, were condemned subsequent to that day, namely: by the Council of Prizes, eighteen before, and ten after, the 28th of April, 1811; and by imperial decisions, eleven before, and nine after, the last mentioned day. Yet the decree of that day (28th of April, 1811) enacts and declares that the Berlin and Milan decrees are, from and after the 1st November, 1810, definitively considered as if they had not existed (*comme non avenues*) with respect to American vessels.

6. Several condemnations were made, for frivolous pretences, of vessels captured after the 1st November, 1810, or, in other cases which the general decrees could not reach; such as alleged irregularities in the certificates of origin, or in other ship-papers; presumed navigation under British convoy; mutiny on board; intention to remit the proceeds of sales through England.

It appears, from the preceding statement, that, independent of the illegality of the Berlin and Milan decrees, there is sufficient cause for the revision of the condemnations which have taken place. Nor is there any thing novel in that course. A number of unlawful captures of American vessels having been made by Great Britain during the commencement of her war with France, particularly by virtue of certain British Orders in Council, of the 6th November, 1793, it was agreed, by the 7th article of the treaty of November, 1794, between the United States and England, that full and complete compensation should be made by the British Government for the losses and damage sustained by citizens of the United States, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Britannic Majesty; and a sum exceeding twelve hundred thousand pounds sterling, in specie, was actually paid to American citizens, by the decision of the joint commission appointed in conformity with the said treaty.

From this view of the subject, I have the honor to propose to your Excellency an arrangement, founded on the following basis, in which, without abandoning the just rights of the citizens of the United States, a positive stipulation is avoided, which would, at that time, bind the Government of France to make compensation generally for

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all the condemnations under the Berlin and Milan decrees.

1st. That the Government of France will engage to make compensation to the citizens of the United States: 1. For all vessels and cargoes captured, seized, or sequestered, which have not been definitively condemned by the Council of Prizes, and the proceeds of which were placed either in the public treasury, in the *caisse d'amortissement*, or in any other public chest; and also for all vessels and cargoes destroyed at sea, and likewise not condemned by the Council of Prizes: 2. For the losses sustained by reason of such other irregular or unlawful seizures, captures, or condemnations, as will be decreed, by a joint commission, to have been made contrary to public law and justice, or in contravention of existing treaties.

2d. That a joint commission (or commissions) shall be established, with power, 1. To liquidate the amount due for property, either destroyed at sea, or sequestered and not definitively condemned as aforesaid: 2. To decide in what other cases of irregular or unlawful seizures, captures, or condemnations, the Government of France is justly bound to make also compensation, and to what amount.

The manner in which the commission or commissions should be appointed and organized, may, it is presumed, be easily arranged, and every reasonable stipulation will be admitted which may be necessary to limit exclusively the right to compensation to cases of *bona fide* American property.

I cannot end this communication without saying, that the present situation of France is known and felt by the Government of the United States. It is evidently the interest of America that France should be prosperous and powerful. It is the sincere wish of the Government of America, that the present Government of France may soon be relieved from the difficulties which the lamentable event of March, 1815, has occasioned. It is, therefore, with reluctance, and only in obedience to a sacred duty, that a demand is made, at this time, which may have a tendency to increase those difficulties; and every disposition exists to accede to such time and mode of payment as, without being inconsistent with the just rights of the citizens of the United States, may be least inconvenient to France.

Permit me to request your Excellency to take the subject into early consideration, and to communicate to me, as soon as may be practicable, the determination of His Majesty's Government.

I have the honor to be, &c.

ALBERT GALLATIN.

His Ex'cy the DUKE DE RICHELIEU,
Minister, Sec'y of State for the Department
of Foreign Affairs, &c.

Extract of a Letter, No. 19, from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State, dated

PARIS, January 20, 1817.

"Having received no answer from the Duke de 18th CON. 1st SESS.—93

Richelieu to my letter of the 9th November last, I addressed to him, on the 26th December, a short note, of which, and of his answer, dated the 16th instant, copies are enclosed.

"In the interview which accordingly took place to-day, I requested that he would proceed to state what he had concluded to offer in answer to the basis proposed in my note of the 9th of November last. He said that his offer would fall very short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the *caisse d'amortissement*. He added, that he would make his proposal in writing, and this would not be attended with much delay. I then said that I could not give any opinion on his proposal, until I had received his note, but that I wished him to understand that, if the Government of the United States thought it proper (which I could not at present promise,) to accept an indemnity for certain classes only of our claims, this never would be purchased by a relinquishment of the other just demands of our citizens."

Mr. Gallatin to the Duke de Richelieu.

PARIS, December 26, 1816.

The undersigned, sensible of the important business which, at the opening of the two Chambers, must have engrossed the attention of His Most Christian Majesty's Government, has heretofore avoided to urge the consideration of the subject-matter of the letter, which he had the honor to address, on the 9th of November last, to His Excellency the Duke de Richelieu. It has, however, become necessary that he should be able to communicate to his own Government, the result of his application. He, therefore, requests an interview, as early as will suit the convenience of the Duke de Richelieu.

The undersigned embraces, with pleasure, this opportunity of presenting to His Excellency the Duke de Richelieu the reiterated assurance of his most distinguished consideration.

[TRANSLATION.]

The Duke de Richelieu to Mr. Gallatin.

PARIS, January 16, 1817.

The Duke de Richelieu cannot but deeply regret that his weighty and multiplied avocations have compelled him to put off, until this moment, the time he had promised himself to receive Mr. Gallatin, and now fixes the time for Monday morning, the 20th of the present month, at noon, if that day meets his convenience.

He prays him to accept, meanwhile, the renewed assurance of his most distinguished consideration.

Extract of a letter, No. 27, from Mr. Gallatin to the Secretary of State, dated Paris, 23d April, 1817.

"I had an interview on the 13th instant with the Duke de Richelieu, in which he announced to me, that he had concluded not to give a written answer to my note of the 9th of November last,

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on the subject of American claims. The claims of the subjects of European Powers which France was, by the Convention of 1815, bound to pay, had been estimated at a sum not exceeding, at most, one hundred and fifty millions of francs (or an annuity of seven and a half millions.) But it was now found that the terms thus imposed were much harsher than the French Government had expected, or than the Allies themselves had intended. The reclamations, under the Convention with Great Britain, did not, indeed, exceed the sum of fifty millions, at which they had been estimated; but those of the subjects of continental Powers, filed with the commission appointed for that purpose, exceeded twelve hundred millions, without including a portion of the Spanish claims, the time for presenting which had not yet expired. Many of those demands would undoubtedly be rejected, or reduced by the commission. Still, the probable amount which might be declared justly due, so far exceeded every previous calculation, and was so much beyond the ability of France to pay, that he (the Duke) was now employed in seeking some means of obtaining modifications which might bring the payments in some measure within the resources of the country. Under such circumstances, and whilst unable to face the engagements which superior force had imposed on them, it was, he said, utterly impossible for his Majesty's Government to contract, voluntarily, new obligations. They were not willing to reject, absolutely and definitively, our reclamations *in toto*; they could not, at this time, admit them. What he had now verbally communicated, could not, for many reasons, become the ground of an official answer to my note. He had, therefore, concluded that a silent postponement of the subject was the least objectionable course, since, having now made our demand for indemnity in an official manner, the question would be left entire for discussion at some more favorable time, after France was in some degree disentangled from her present difficulties. He added, that, if there was any apparent inconsistency between the language he had formerly held, and what he was now compelled to say, it must be ascribed to the circumstances he had stated, to the extraordinary and frightful amount to which he had lately found other foreign claims to have swelled.

"After some remarks on the disappointment which, after what had passed in our first conversation, this unexpected determination must produce, I repeated, that the payment by France of exaggerated and doubtful claims to the subjects of every other foreign Power, did but increase the injustice of refusing to admit the moderate and unexceptionable demands of the American citizens. The present embarrassments of France, however increased by the magnitude of those foreign private claims, could form no solid objection to the recognition and liquidation, although they might impede the immediate discharge of our reclamations. It was with this view of the subject that I had, from the first outset, expressed the disposition of the Government of the United

States to accommodate that of France, as to the time and manner of making compensation to the claimants. I added, that his declining to answer my note in writing, would, exclusively of other objections, leave no trace of the ground on which he placed the postponement of the subject.

"The Duke, without answering my observations in a direct way, gave me to understand, that, after the great sacrifices to which the King's Ministers had been compelled to give reluctant assent, and the magnitude of which would soon be known, they would not dare to take the responsibility of acknowledging a new debt, although made payable at a distant period.

"On my mentioning that His Majesty's Government had voluntarily recognised all the engagements previously contracted with French subjects, and which constituted what was called the *arriere*, and suggesting that the sequestrations of American property might be considered as coming under that description, which would prevent the necessity of asking a specific credit for that object from the legislative body; he answered that the law would not justify such a construction.

"Having exhausted every argument which the occasion suggested, I ended the conference, by saying, that, as I could not compel him to give me a written answer, I would reflect on the course which it behooved me to pursue, and that, probably, I would refer the case to my Government. He said that he intended to write to Mr. de Neuville to make to you a communication similar to that which he now had made to me.

"I addressed to him yesterday the letter of which a copy is enclosed. Its principal object, as you will perceive, is to put on record the ground on which he had himself placed the postponement of the subject, and to leave the door open to further representations respecting cases of property not condemned, in case you should think it best not to urge further at present the demand for indemnity in all cases."

Mr. Gallatin to the Duke de Richelieu.

PARIS, April 22, 1817.

MONSIEUR LE DUC: In the interview which I had the honor to have with your Excellency on the 13th instant, you intimated that the increased magnitude of the claims made upon France by subjects of European Powers, under the Conventions of the year 1815, rendered it necessary to postpone, to a more favorable time, the discussion of the American claims which were the subject of my note of the 9th of November last. Without repeating here the unavailing arguments which I urged against this indefinite and unexpected delay, I will only say that I am not authorized to accede to it, and that it cannot be viewed favorably by the Government of the United States, after the assurances which had been given of its disposition to concur in any reasonable arrangement which might be proposed, with respect to the time and manner of making compensation to the claimants.

I presume, however, that the postponement is

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intended to apply only to those claims, which, though founded on strict justice, were found by His Majesty's Government in a situation that seemed to render a convention necessary for their proper adjustment. The demands for property burnt at sea, or seized and sequestered without having ever been condemned or even brought to a trial before any tribunal whatever, are not of that description. They are, to all intents and purposes, an *arriere*, or unliquidated debt, for property seized, which, if not condemned, must be paid for, and the settlement of which does not require a specific convention. It cannot be supposed that, after His Majesty's Government has not only agreed to pay various foreign claims, of a different nature, but has recognised all those of French subjects arising from the acts of the former Governments of France, the citizens of the United States should alone be excepted from the operation of those measures dictated by justice and sound policy, which, under most arduous circumstances, have so eminently contributed to surmount every difficulty, and to restore the public credit.

If any distinction was indeed attempted to be made, it should be in favor of the citizens of a foreign nation at peace, whose property was forcibly arrested from them, rather than in favor of subjects who voluntarily advanced theirs, and in many instances with a view to an expected profit. But no such distinction is claimed; and I only trust that, whilst the communication made to me compels me to wait for further orders from my Government on the subject of American claims, generally, those of the description last mentioned shall not remain suspended, and that orders shall be given to the proper authorities for their speedy liquidation, and for discharging them in a manner as favorable at least as that which has been provided for the claims of French subjects known by the name of *arriere*.

I request your Excellency to accept the assurances of the distinguished consideration with which I have the honor to be, your most obedient servant,

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin, No. 37, detailing the substance of a conversation with the Duke de Richelieu, to the Secretary of State, dated

PARIS, July 12, 1817.

"He (the Duke de Richelieu) then said, that he wished it to be clearly understood that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit His Majesty's Government by any positive promise; but that it was their intention to make an arrangement for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not, at present, recognise the debt, or adjust its amount."

Extract of a letter from the same, No. 55, to Mr. Adams, Secretary of State, dated

PARIS, January 2, 1818.

"Fifteen millions are spoken of, which, with the five millions already paid, and the three allotted to British subjects, will make an aggregate of four hundred and sixty millions, in five per cent. stock, paid by France for European private claims. Ours, in the meanwhile, remain in the same situation; and I wait for an answer to my despatch, No. 27, (of the 23d of April last,) before I take any new steps on the subject."

Extract of a letter from the same, No. 67, to the same, dated

PARIS, April 27, 1818.

"I had, in my letter of the 2d of January last, mentioned, that I would wait for an answer from your Department to my despatch of the 23d April, 1817, before I took any new steps on the subject of our own claims; and I had no expectation that a new application would, at this moment, prove successful. Yet, it appeared that, to remain altogether silent, at the moment when an arrangement for the claims of the subjects of every other nation was on the eve of being concluded, might, in some degree, be injurious to the rights of our citizens. It was also apprehended, that, in their public communications, the Ministers of the King, wishing to render the new convention as palatable as possible, might announce to the nation, in general terms, that all the foreign claims of individuals were now satisfied. These considerations induced me to address to the Duke de Richelieu the note of the 3d instant, of which I have the honor to enclose a copy, as well as of that by which he acknowledged the receipt of mine. You will perceive that, in his communication to the Chambers, (which has been inserted, correctly, in no other newspaper than the *Moniteur*,) that he has expressed himself in the following terms: 'France (by this payment) is liberated, both as to principal and interest, from all the debts contracted towards the subjects of the other European Powers, prior to the 20th November, 1815.' The consideration of our claims is not therefore barred by any thing which has taken place; but there is not yet any disposition to take up the subject."

Mr. Gallatin to the Duke de Richelieu.

PARIS, April 3, 1818.

MONSIEUR LE DUC: I have not had the honor to address your Excellency on the subject of American claims, since my letter of the 22d of April last. The disposition of the Government of the United States never to abandon the just rights of her citizens, and, at the same time, to pay every due regard to the unfavorable circumstances under which France has been placed, is sufficiently known to your Excellency. It is, however, notorious, that negotiations are now carried on, for the amicable liquidation of all the private claims of

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the subjects of European Powers against France; and it is generally believed that the negotiations are on the eve of being terminated, and that the sum to be paid on that account will be definitively settled. The magnitude of those claims, and the uncertain result of the liquidations contemplated by the former conventions with the Allied Powers, had been alleged, in April last, as reasons which rendered it necessary to postpone, at that time, the consideration of American reclamations. It has therefore become my duty to bring these once more to your Excellency's recollection.

It is not my intention to renew, at this moment, the discussion of the justice of our demands. In this stage of the business, I could only refer to the facts and observations, contained in former notes, which still remain unanswered. But I must say, that further delays in the adjustment of American claims, when those of the subjects of other nations are settled, could not be viewed favorably by the Government of the United States; whilst, on the other hand, a simultaneous and definite arrangement of all foreign demands arising from the injustice of the former Government of France, seems most consistent with sound policy, and could not fail to have a beneficial effect on public credit.

Whatever course may be pursued, I feel satisfied that the result of the late negotiations with the European Powers will not be considered or announced by His Majesty's Government as a total liberation of all the foreign claims of individuals; for, however unsuccessful my endeavors may heretofore have been, I have uniformly ascribed that result to the untoward situation of France; and I know that my Government has never ceased to place a firm reliance on the spirit of justice and good faith which animates His Majesty's councils.

I request your Excellency to accept the assurance of the distinguished consideration with which I have the honor to be, your Excellency's most obedient servant,

ALBERT GALLATIN.

[TRANSLATION.]

Duke de Richelieu to Mr. Gallatin.

PARIS, April 7, 1818.

SIR: You have done me the honor to address to me, on the 3d of this month, some new observations on the American claims, which I shall take care to lay before His Majesty.

Accept, sir, the assurances of the high consideration with which I have the honor to be, your very humble and obedient servant,

RICHELIEU.

Extracts of a letter from the Secretary of State to Mr. Gallatin, dated

DEPARTMENT OF STATE,
Washington, December 31, 1818.

"No communication from you, since your return to France, has yet been received; but it is hoped that, since the foreign troops have been

withdrawn from that country, and an adjustment has been made by the French Government of the claims of the subjects of European Powers, there will be time and a disposition to make a suitable provision for those of citizens of the United States."

"Meanwhile, you have, herewith enclosed, a copy of a statement made to this Department, of a claim of Archibald Gracie and sons, which appears to stand upon grounds so peculiar and unexceptionable, that we cannot but hope the French Government will give immediate satisfaction upon it, without waiting for the discussion or delay which may be thought necessary for others, and without prejudice or disparagement to them."

Mr. Gallatin to the Marquis Dessolle, Minister of Foreign Affairs.

PARIS, February 11, 1819.

MONSIEUR LE MARQUIS: I have the honor to transmit to your Excellency a memorial, addressed by Mr. Parish, a citizen of the United States, to his Excellency the Minister of Finance, on the subject of a claim which, it appears, has been laid before that Department.

Having been confined for the last three weeks by indisposition, I have been prevented from asking an interview of your Excellency, with which I was desirous of being favored before I presented to you this memorial, and renewed my application for the settlement of the American claims in general. But, having recently received very special orders from my Government, accompanied by a particular recommendation of Mr. Parish's claim, I am no longer at liberty to defer the discussion of this interesting concern.

I have, therefore, to request your Excellency to have the goodness to examine the official notes which I had the honor to address to the Duke of Richelieu upon the subject of these claims, and to which I have yet received no answer. I shall not now enlarge upon the view presented in my note of the 9th November, 1816. By that of the 22d of April, 1817, it will be seen that the negotiations on that subject were suspended solely in consideration of the trying situation in which France was then placed, and, especially of the embarrassments of the administration by the enormous and unexpected mass of claims brought forward by the subjects of allied Powers. These obstacles are now happily removed; every demand of all the European Powers and their subjects has been amicably adjusted and settled. The rights, so legitimate, of the citizens of the United States, alone remain unsatisfied. My Government, preserving an unshaken confidence in his Majesty, cannot doubt that the time has at length arrived when ample justice will be rendered to its claims.

With respect to that of Mr. Parish, it may be remarked, that it is very simple, and is susceptible of being adjusted without waiting the result of, or in the least interfering with a general settlement. In fact, the cargoes in question, were never condemned, but were only sold for the joint

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benefit of all, and the proceeds deposited, provisionally, in the Sinking Fund. It is further important to remark, that, by an order of the French Government, permission was granted to the consignees of cargoes sequestered at that period, at Antwerp, to take possession and dispose of them, on their giving an obligation to become responsible for the amount, to the public treasury, in the event of a decision pronouncing their confiscation. The house of Mr. Ridgway, Consul of the United States, together with that of Mr. Parish, refused their assent to a condition which implied an admission of the legality of the seizure. The European consignees, with whom this consideration had no weight, received and sold their goods, and their obligations were subsequently returned to them. Thus, by refunding to the houses of Ridgway and Parish the proceeds of the cargoes consigned to them, the decision which was virtually carried into effect in the case of all others, similarly situated, will only receive its due application as it regards them.

I have to observe, that, although the claims of both these houses are perfectly similar to each other, that of Mr. Parish is the only one which appears to have been taken into consideration by the Department of Finance.

In the hope that my health may soon permit me to confer personally with your Excellency I have the honor to be, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, July 3, 1819.

"I transmitted, in my despatch No. 100, the copy of the letter which I had addressed to Marquis Dessolle, on the 11th of February last, on the subject of American claims in general, and more particularly of that of Messrs. Gracie and Parish.

"On the 23d of March, in transmitting to the same Minister a letter from Mr. Hyde de Neuville, in behalf of Mr. Gracie, I reminded him of my preceding note, and requested that a report which the Director General of the Douanes was shortly to make on the claim, might be communicated to me before the Minister of Finances should decide upon it. This was the more important as the director was known to be decidedly hostile to the claim, and to the restitution of any sum which had, in any shape, found its way to the public treasury.

"My request was not complied with; but, Mr. Parish still thought that the affair had taken a favorable turn, and, not expecting an immediate decision, left this city for Antwerp, and went thence on some business to England. From this last country he wrote to me a few days ago, and transmitted the enclosed copy of a letter addressed to him by the Minister of Finances, and by which he is informed that his claim is inadmissible.

"The Minister's letter is not less incorrect as to facts than weak in argument. The order to sell and to pay into the treasury the proceeds of the

sales of sequestered property, is not, and was not, by the then existing Government, considered as a condemnation. When the vessels in question arrived at Antwerp, the only penalty to which they were liable for having touched in England was, to be refused admission, and the only question was, whether this exclusion should be enforced, or whether the consignees should be permitted to sell the cargoes. It was not at all, by giving a retrospective effect to the Milan decree, that the cargoes were sold. The sale took place about the same time that the property seized at St. Sebastian was sold. It was done by virtue of an order from Government, distinct from the Rambouillet decree, and for which no motive was assigned. I have requested Mr. Parish's lawyer to procure copies of the order of sale, and of that by which the money was paid into the public treasury, instead of the *caisse d'amortissement*; for, although the substance of the orders is known, the text has not been communicated.

"But, however easy it might be to answer the Minister's letter, there would be some inconvenience in pursuing that course, or in prosecuting further Mr. Parish's claim, distinct from others of the same nature."

"The decision of the Minister of Finances, founded on the assumed principle that no redress remains when the money has been paid into the treasury, and been expended, would apply with equal force to all the American claims. If it becomes necessary to combat seriously that doctrine, it will be better to do it generally, and in a direct correspondence with the Minister of Foreign Affairs, than by answering a letter which is not addressed to me, and applying my arguments to a single case."

"In the present state of things I will try, until I am positively instructed, to keep the negotiation alive, but without urging a decision, unless I can ascertain that a favorable result will be thus obtained."

[TRANSLATION.]

The Minister of Finance to Mr. Parish.

PARIS, May 22, 1819.

SIR: You have applied, in behalf of Mr. Archibald Gracie, of New York, for the restitution of the value of the cargoes of three American ships, the *Perseverance*, the *Hiram*, and the *Mary*, sequestered by the Imperial Government in 1807, and the proceeds of which were afterwards confiscated by it.

Having had a detailed statement laid before me, of the circumstances connected with this transaction, the documents exhibited established the following facts:

By a decree, issued at Berlin, 21st November, 1806, the British islands were placed in a state of blockade. By articles 7 and 8 of this decree, every vessel coming directly from England or from the English colonies, or having been there since the publication of the said decree, was refused admission into any port; and every vessel attempting to contravene that clause, by means

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of a false declaration, was, together with the cargo, subject to seizure and confiscation, as if they were English property. It was while these legislative measures were in force, that the three ships in question arrived at Antwerp, to your address. They had put into England; a circumstance which was, however, not considered by the custom-house as an irremissible cause of confiscation, there being reason to presume that it was through stress of weather.

In the interval of time previous to the decision which was to be made by the chief of the State, a proposal was made to you to dispose, conditionally, of the cargoes of these vessels, on your engaging to refund the proceeds, in the event of their final confiscation. You refused your assent to this offer, and, at a subsequent period, claimed its execution; but things had then changed, the legislative measures having become more rigorous.

By a decree of 23d November, 1807, it was declared:

ART. 1. "That all vessels, which, after touching in England, from any cause whatsoever, shall enter the ports of France, shall be seized and confiscated, together with their cargoes, without exception or distinction of goods and merchandise."

By a retrospective effect, which I am certainly very far from wishing to justify, but to which it is proper to advert, because it forms one of the striking features of the case, this decree of 23d November was enforced as to the three vessels. It was ineffectually that the Director General of the customs represented to the head of the Government, that the English had no interest whatever in these three vessels, and that they were solely and bona fide American property; an immediate sale of their cargoes having been ordered by the supreme authority on the 4th of May, 1810. This order was carried into execution on the 15th of June following, and the proceeds, at first deposited in the sinking fund, were subsequently withdrawn, in conformity, also, with the same superior orders, and placed in the public treasury, as having definitively become the property of the State.

I admit with you, sir, the iniquity of these measures; and with you I deplore their effects; but to repair them is not within the compass of my power. If the cargoes in question still existed in the custom-house store, they should be immediately restored to you; but they were sold, and their proceeds no longer exist. The whole transaction was terminated, irrevocably terminated, four years prior to the restoration, and it is not within the power of His Majesty's Government to revive an obsolete claim, to renew a discussion on rights which are extinct, or to repair individual losses by an augmentation of the public burdens.

With the expression of my regrets, be pleased, sir, to accept the assurance of my perfect consideration.

The Minister of Finance and Secretary of State,
BARON LOUIS.

No 140.

PARIS, March 16, 1820.

SIR: I had, on the 9th of June, 1818, addressed

a letter to the Duke de Richelieu, in relation to the American vessels "Dolly" and "Telegraph," burnt at sea by two French frigates, in the latter end of the year 1811. Mr. Lagrange, the lawyer of the owners, communicated to me a short time ago, the decision of the Council of State in that case, copy of which, as well as of my letter to the Duke de Richelieu, is herewith enclosed. You will thereby perceive that the application for indemnity has been rejected, principally on the ground that the French captains must have been ignorant of the revocation of the Berlin and Milan decrees, since the decree of the 28th of April, 1811, was not published till the 8th of May, 1812.

It appeared to me essential, not only to remonstrate against this flagrant injustice, but also to refute at large the doctrine thus attempted to be established, in violation of the solemn engagements of the French Government. The effect the decision might have on our claims in general, and the ground which had been uniformly assumed by the Government of the United States, in its discussions with that of Great Britain, and in all the public reports made on that subject, are considerations too obvious to require any comment on my part. I have the honor to enclose a copy of the letter which I have addressed to Mr. Pasquier on the occasion, and am, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. JOHN Q. ADAMS,
Secretary of State, Washington.

PARIS, June 9, 1818.

MONSIEUR LE DUC: I had heretofore abstained from addressing your Excellency on the subject of special American claims for spoliations committed on our commerce by the French authorities. A general decision had appeared, and still seems to be, the most eligible mode of coming to a satisfactory arrangement. Being, however, informed, that some cases are still pending before the Council of State, it becomes my duty to depart in these instances from the line of conduct I had adopted.

I have, therefore, the honor to transmit to your Excellency a memoir, addressed to the King in Council, in behalf of the owners of the ships and cargoes of the American vessels Dolly and Telegraph, burnt at sea in November and December, 1811, by the French frigates la Meduse and la Nymphe.

It is certainly preposterous to suppose that His Majesty's Council will, at this time, condemn American vessels for any presumed contravention to the iniquitous decrees of Berlin and Milan. But a discussion of that point is not even necessary in these cases. It is evident that those vessels were destroyed several months, at least, after the solemn revocation of those decrees, so far as respected the United States. It is equally evident that neither the presumed fact that the captors were ignorant of that revocation, nor the omission of formalities, to use no stronger language, on their part, can be plead against the American owners. It seems unnecessary, in a case so plain, to enforce

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these arguments, or to anticipate objections. In simply recommending it to your Excellency's attention, I feel a perfect confidence that the parties will obtain from his Majesty's Council that decision in their favor, which has been too long protracted, and to which they are so justly entitled. I pray your Excellency to accept, &c.

ALBERT GALLATIN.

His Ex'cy the Duke de RICHELIEU,
Minister of Foreign Affairs, &c.

[TRANSLATION.]

COUNCIL OF STATE.

Extract from the Register of deliberations, session 23d December, 1819.

LOUIS, by the grace of God, King of France and Navarre, upon the report of the Board of Questions:

Having seen the petition presented to us in the name of the proprietors and owners of the American ships the *Dolly*, and the *Telegraph*, captured on the 29th November, and 6th December, 1811, by the French frigates the *Meduse* and the *Nymphe*, and burnt at sea, by the orders of Mr. Raoul, Captain of the frigate *Meduse*, and commander of said division, the said petition being registered at the Secretary's General's office of our Council of State, the 11th June, 1818, and that it would be our pleasure,

1st. To declare the said captures null and illegal;
2d. To ordain that the proprietors of said ships, and of their lading, should be indemnified for the losses which the burning them has occasioned;

3d. To remit them to the legal tribunal for the liquidation of said indemnities, under the reservation of all means and exceptions; especially to proceed and conclude, as shall be proper, against the authors or accomplices of the abstractions which they pretend to have been committed on board of the two ships, and generally under all the reservations of right;

Having seen the procès-verbal of the capture, and of the burning of the American ships *Dolly* and *Telegraph*, which occurred at sea on the 29th November and 6th December, 1811, signed by the Captain, Lieutenant, Ensigns de Vaisseau, (second Lieutenants,) and Purser, (agent compatible,) composing the crew of the frigate *la Meduse*:

Having seen the acts of protest and declaration made before the Consul of the United States at L'Orient, to wit: by Mr. Stephen Bayard, Captain of the ship *Telegraph*, on the 11th January, 1812, and by Mr. William Friat, passenger on board the *Dolly*, and calling himself proprietor of divers merchandise embarked on board of said vessel, dated the 29th December, 1811:

Having seen the bills of lading and affidavits annexed to these declarations:

Having seen the conclusions, dated 31st October, 1814, of the Attorney General, before the Council of Prizes, to whom these claims had been submitted:

Having seen the decisions made by this council, on the same 31st October, 1814, by which it was

ordained that, before a decree, the persons composing the crews of the frigates *la Meduse* and *la Nymphe* should be interrogated upon the different circumstances of said captures:

Having seen the procès-verbal of the interrogatories undergone, on the 13 January, 1815, by Mr. Raoul, captain of the frigate *la Meduse*, and Mr. Crom, at that time boatswain's mate in the same frigate, from which it results, that the captures and burnings took place in consequence of their instructions, which prescribed to them the execution of the Berlin and Milan decrees:

Having seen the decrees, dated that of Berlin on the 21st November, 1806, and that of Milan on the 23d November and 17th December, 1807:

Considering that it is evident that the ship *Dolly*, laden with merchandise for Havana, sailed from Liverpool, a port of the English dominion, and that the ship the *Telegraph*, laden with flour at Philadelphia, was destined for Lisbon, at that time occupied by the English troops; and that, since that time, these vessels sailed in contravention of the Berlin and Milan decrees:

Considering that the first public notification which was given of the revocation of said decrees, with respect to the Americans, took place only by the notes inserted in the *Moniteur*, of the 8th of May, 1812, several months after the capture of said vessels, and that, from that time, the captains of the *la Meduse* and *la Nymphe* could not know it; and that it even appears, according to the note dated 12th March, 1812, imputed by the petitioners to the Ministers Plenipotentiary of the United States, that, at that time, this Minister himself did not know it:

Having heard our Council of State, we have ordained and do ordain as follows:

Art. 1. The petition of the proprietors and owners of the ships *Telegraph* and *Dolly* is rejected, without prejudging any thing of the reservations inserted in their conclusions.

Art. 2. Our Keeper of the Seals, Minister Secretary of State of the Department of Justice, and our Minister Secretary of State of the Department of the Marine and of the Colonies, are charged, each in what concerns him, with the execution of the present ordinance.

Approved the 29th December, 1819.

LOUIS.

By the King, the Keeper of the Seals, Minister of Justice.

H. DE SERRE.

Copy conform to the minute registered at Paris, the 6th January, 1820, by Billard, who had received 29f. 50c. duty included.

The Secretary General of the Council of State.
HOCHET.

Mr. Gallatin to Baron Pasquier.

PARIS, March 15, 1820.

SIR: The American brig "Dolly," bound from Liverpool to Havana and New Orleans, with a valuable cargo, was captured or burnt at sea, on the 29th of November, 1811, by the French frigates "Meduse" and "Nymphe." On the 6th De-

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cember following, the same frigates also captured and burnt the American ship "Telegraph," bound from New York to Lisbon, with a cargo consisting principally of flour. Mr. Barlow, then Minister of the United States at Paris, addressed, on the 12th of March, 1812, a strong remonstrance on the subject to the Duke of Bassano, then Minister of Exterior Relations. The death of the American Consul, with whom the captains of the vessels destroyed had left their powers, and the interruption of the communications, occasioned by the war which took place in 1812, between the United States and Great Britain, created a delay in the regular application of the parties, and prevented an immediate decision. The affair in the meanwhile took the usual course, and was transferred, in 1815, from the Council of Prizes to a Committee of the Council of State. On the application of the parties, I had the honor, on the 9th of June, 1818, to transmit their *memoire* to his Excellency the Duke de Richelieu, and added such short observations as the case seemed to require.

It was with equal astonishment and regret, that I received, a few days ago, the information that the application of the parties for indemnity had been rejected by a decision of the Council of State, of the 23d of December, 1819, on the following grounds:

"Considérant qu'il est constant que le navire le *Dolly* chargé de marchandises à la destination de la Havane, sortoit de Liverpool, port de la domination Anglaise, et que le navire le *Telegraphe*, chargé de farine à Philadelphie, étoit destiné pour Lisbonne, occupé à cette époque par les troupes Anglaises; et que, dès lors, ces bâtimens naviguoient en contravention aux décrets de Berlin et de Milan:

"Considérant que la première notification publique qui ait été donnée du décret de révocation des dits décrets, à l'égard des Américains, n'a eu lieu que par les notes insérées dans le *Moniteur* du huit Mai, 1812, plusieurs mois après la prise des dits bâtimens, et que, dès lors, les capitaines de la *Méduse* et de la *Nymphé* ne pourroient, en avoir connoissance; et qu'il paroît même, d'après la note en date du 12 Mars, 1812, attribuée par les requérans au Ministre Plenipotentiaire des Etats Unis, qu'il à cette époque lui-même ne la connoissoit pas:

"Notre Conseil d'Etat entendu," &c.

I must in the first place enter my most solemn protest against this decision, so far as it seems to sanction the Berlin and Milan decrees. These acts were in flagrant violation of the law of nations and of common justice. The United States never acquiesced in them, and have never ceased to claim the indemnity justly due to American citizens for the injuries and losses they suffered by reason of those illegal enactments. But it is unnecessary, on this occasion, to discuss that question. The owners of the *Dolly* and *Telegraph* claimed indemnity solely on the ground of the previous revocation of the decrees, so far as they applied to the American commerce; and it is to that point alone that I beg leave to call your Excellency's attention.

I am at a loss to understand whether, by the decision of the Council of State, it was intended to assert that the ignorance, on the part of the French captains, of the revocation of the decrees, deprives the parties of their right to an indemnity, or to suggest that the revocation was to take effect only from the date of its publication in the *Moniteur*. Both positions are equally untenable.

The Council of State seems to have been unacquainted with the circumstances which attended the revocation of the decrees, and to have supposed that that revocation depended only on a decree of the 28th of April, 1811, and to have considered this last decree, not as the result of a solemn engagement, but as a mere municipal law, or, at best, as a gratuitous concession to the United States. It is difficult, even on that supposition, to understand how they could omit altogether to take notice of the clause which gives to the decree a retrospective effect. But it is not on that decree, as an insulated act, that the United States found their demand for indemnity. A recapitulation of the facts connected with the revocation will place the question on its true ground. Permit me first to take notice of an error in the statement of the Council.

This error consists in supposing that the Minister of the United States, when writing his letter of the 12th of March, 1812, to the Duke of Bassano, was not aware of the revocation of the Berlin and Milan decrees. His ignorance in that respect, had it been real, would not have affected the rights of the claimants; but the supposition, on the part of the Council of State, that he was unacquainted with it, is an evident proof that their own decision is founded in error, and must be solely ascribed to the facts not having been properly laid before them. If, in his letter to the Minister of External Relations, Mr. Barlow did not mention by name the revocation of the illegal decrees, it was because he considered the burning at sea of two American vessels as a wanton outrage, not at all connected with those decrees, which, indeed, did not authorize any such proceeding. It was, perhaps, also because the revocation was so well known, both to him and to the Duke of Bassano, that it had become unnecessary to refer to it on every occasion. That it was thus known, is sufficiently proven by all the correspondence between them, as it stands in the archives of the department over which your Excellency presides. It will be sufficient for me to quote Mr. Barlow's letter to the Duke of Bassano, of the 6th of February, 1812, and written, therefore, about a month prior to the time at which he is supposed to have been ignorant of the revocation. In that letter (of the 6th of February, 1812) Mr. Barlow complains that the brig *Belisarius* of New York was about to be confiscated as liable to the decree of Milan, and then says: "I know positively that this American vessel left New York the 17th of June, 1811, seven months after the revocation of the decrees of Milan and Berlin!" He concludes by ascribing the decision to an error of date, by which the year 1810 may have been taken for the year 1811, and asking for a revision of the affair.

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The Duke of Bassano, in his answer, dated the 16th of March, 1812, informs Mr. Barlow that the difficulty in that case arose from some irregularity in the ship-papers respecting the ownership, which was a formal contravention of the rules of navigation generally adopted and established at all times; that the vessel and the part of the cargo of which the ownership (*pour compte*) was proven, would be given up, and time allowed to establish the fact that the residue of the cargo was American property, conformably to the ancient rules.

All the facts relative to the revocation of the decrees are, indeed, so perfectly known to the French Department of Foreign Affairs, that I thought it unnecessary, in my letter of the 9th of June, 1818, to his Excellency the Duke de Richelieu, to say any thing more on the subject, but barely to refer to it. I had presumed that every explanation on that point which the Council of State might require, would be of course supplied by that department; and the following statement of facts is intended for that body, and not for the purpose of giving any new information to your Excellency.

It is well known that the Government of the United States attempted, by various successive measures of the most moderate and conciliatory nature, to avert the injuries inflicted on the commerce of their citizens by the unlawful decrees of France and Great Britain, to obtain redress for those injuries, and, above all, to induce both Powers to rescind those decrees, and to adopt a course consistent with justice, and with the acknowledged law of nations.

An embargo of fifteen months' duration was succeeded by the act of Congress, of the 1st of March, 1809, which prohibited the introduction of British and French merchandise in the United States, and interdicted their ports to vessels of both nations. To this temporary act, which expired on the 1st of May, 1810, another was substituted, of the same date, by which it was enacted, 1st, That the ports of the United States should be interdicted to the armed vessels of France and Great Britain; 2dly, That, if either of those two Powers should, prior to the 3d March, 1811, revoke its unlawful edicts, (which fact the President of the United States should declare by proclamation,) the interdiction thus imposed on armed vessels should cease, in relation to such Power; 3dly, That, if the other nation should not, in that case, revoke her unlawful edicts within three months thereafter, the restrictions imposed by the act of the 1st of March, 1809, that is to say, the prohibition to import merchandise, and the interdiction of all vessels, should, at the expiration of three months after the proclamation aforesaid, be revived, in relation to the nation thus refusing to revoke her edicts.

This last act of Congress, of the 1st May, 1810, having been communicated both to the French and to the British Government, the Duke de Cadore, then Minister of External Relations, addressed, on the 5th of August, 1810, a letter to Mr. Armstrong, then Minister of the United States at Paris, in which, after having commented on

the various acts of Congress, he says: "In this new state of things, I am authorized to declare to you, that the decrees of Berlin and Milan are revoked, and that, after the first of November, they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English."

The execution of this revocation depended, then, on the alternative of two conditions, one of which was not under the control of the United States; but the other was only that they should act conformably to what they had already announced to be their determination.

The President of the United States did, accordingly, by his proclamation, of the 2d of November, 1810, declare, that the decrees of France, in question, had been revoked, so as to have ceased to have effect on the 1st of that month, and that all the restrictions imposed by the act of Congress, of the 1st of May, 1810, were henceforth to cease, in relation to France.

On the same day, the 2d of November, 1810, the Secretary of the Treasury Department of the United States transmitted the President's proclamation to the several collectors of customs, and gave them instructions for the immediate admission of French armed vessels in the ports of the United States, and for the exclusion of all British vessels, and the prohibition of all British merchandise, after the 2d of February, 1811, that is to say, three months after the date of the President's proclamation, in case they, the said collectors, should not, before that day, be officially notified, by the Treasury Department, that Great Britain had revoked her unlawful edicts.

Although both those documents were, at the time, officially communicated to the French Government, copies are again herewith enclosed.

Great Britain not having revoked her edicts, the interdiction of her vessels and merchandise took place accordingly, on the 2d of February, 1811. It received an additional sanction by the act of Congress, of the 2d of March following, and continued in force till the month of June, 1812, when, in addition to that measure, Great Britain still persevering in her refusal, the United States found themselves at last obliged to declare war against her.

The United States having thus, with perfect good faith, fulfilled the engagement contracted by their act of the 1st of May, 1810, and on which the execution of the revocation of the Berlin and Milan decrees was made to depend, it follows, that the right to demand the complete execution of that revocation from the 1st of November, 1810, and an indemnity in every case where injuries were sustained subsequent to that day, by American citizens, under color of those decrees, is fully established as the result of a positive compact, and is altogether independent of any subsequent act of the French Government. That right would

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remain entire, even if that Government had departed from their engagement, and had attempted to revive the Berlin and Milan decrees with respect to the United States. This, however, was not the case.

On the 25th of December, 1810, two letters were addressed, one by the Duke of Massa, Minister of Justice, to the President of the Council of Prizes, the other by the Duke of Gaete, Minister of Finance, to the Director General of the Customs. Both letters recapitulate the paragraph already quoted, of the Duke of Cadore's letter, of the 5th of August, 1810, to Mr. Armstrong, and the substance of the proclamation of the President of the United States, and of the circular letter of the Secretary of the Treasury Department, of the 2d of November, 1810. The Director General of the Customs is accordingly informed, that the Berlin and Milan decrees must not be applied to any American vessels that have entered French ports since the 1st of November, or may enter in future. By the letter of the Grand Judge, Minister of Justice, it is ordered that, "in consequence of the engagement entered into by the United States, (the President's proclamation, and the circular of the Secretary of the Treasury,) all the causes that may be pending in the Council of Prizes of captures of American vessels, made after the 1st of November, and those that may, in future, be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but they shall remain suspended; the vessels captured or seized, to remain only in a state of sequestration, and the rights of the proprietors being reserved for them, until the 2d of February next, the period at which, the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the Council, and the American vessels restored, together with their cargoes, to their proprietors."

It is not irrelevant to observe, that these two letters were immediately made public in France. They appeared even in a Bordeaux newspaper as early as the 30th of December.

Accordingly, as soon as the restrictions on British vessels and on British merchandise, as announced by the previous acts of the American Government, had actually been carried into effect, on the 2d of February, 1811, and an account of it had been received by the French Government, the American vessels were admitted to entry in the French ports, although they might have been in contravention to the Berlin and Milan decrees; and the vessels which had been captured subsequent to the 1st November, 1810, by virtue of those decrees, were released in all cases where some other objection, unconnected with those decrees, such as the question of ownership in the case of the *Belisarius*, did not occur.

It was with reference to all these circumstances that his Excellency the Minister of Marine, in a letter of the 30th of November, 1818, to the Council of State, stated that the revocation of the Berlin and Milan decree had been definitively pronounced only on the 2d of February, 1811. His

expressions are, "que le Capitaine Raoul, commandant les deux frigates, parti de la rivière de Nantes de 28 Décembre, 1810, n'a pas avoir connoissances de la révocation des décrets de Berlin et de Milan, à l'égard des Américains, révocation qui n'a été définitivement prononcée que le 2 Février suivant." Without admitting the correctness of that statement in all its parts, it is at least evident that the Minister knew, and that the Council of State might have seen, by that letter, that there was some other act besides, and previous to the decree of the 28th of April, 1811, by which the revocation had been already definitively pronounced.

The general admission of American vessels to entry was announced to Mr. Russell, Chargé de Affaires of the United States, by a letter of the Duke of Bassano, of the 4th May, 1811. To prove that no distinction was made with respect to vessels, in contravention to the Berlin and Milan decrees, it will be sufficient, in addition to the case of the *Belisarius*, to mention that of the *New Orleans Packet*.

That vessel arrived from Gibraltar, at Bordeaux, the 3d of December, 1810, and had, besides, been boarded by two public British vessels. She was immediately, for these express causes, seized by the Director of Customs, as having violated the Milan decree. On the representation of the American Chargé d'Affaires, and in conformity with the letter of the Minister of Finances, of the 25th of December, 1810, which has already been quoted, the vessel and cargo were restored to the consignees, on giving bond to pay the estimated value, should it definitively be so decided. And, according to orders given to that effect, the bond was cancelled shortly after the date of the Duke of Bassano's letter of the 4th of May, 1811.

With respect to vessels captured subsequent to the 1st of November, 1810, I can appeal to the records of the Court of Prizes for proof, that not a single one was condemned for a contravention to the Berlin and Milan decrees. The archives of this legation, though necessarily defective in that respect, enable me to mention the following vessels, viz: *Two Brothers*, *Good Intent*, *Star*, *Nep-tune*, and *Acastus*, all of which, having been captured and brought into port for having contravened those decrees, were acquitted and released, in consequence of their revocation. Whether, besides the *Dolly* and *Telegraph*, there might not be some other cases which remained undecided in April, 1814, I cannot positively assert. There is none within my knowledge.

It is material to add, that all the vessels which I have mentioned, were released before the 8th of May, 1812, the day on which the decree of the 28th of April, 1811, is stated, by the Council of State, to have been published in the *Moniteur*. And your Excellency may have perceived, that, in the preceding statement of facts, I have not alluded to that decree. Indeed, if the Council of State, instead of suggesting that the revocation of the Berlin and Milan decrees was unknown to the Minister of the United States, at the time when he wrote his letter of the 12th of March, 1812,

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had only said, that he was unacquainted with the decree of the 28th April, 1811, I would, whilst showing, as I have done, that his ignorance in that respect was irrelevant to the question, have acknowledged the fact to be true. That decree was first communicated to him on the 10th of May, 1812, and did not reach the Government of the United States till the 13th of July following, that is to say, one month after war had been declared against England. It, therefore, had no effect on any of their acts, or any part of their conduct. The compact was complete without it, and rested on the official declarations of the Minister of Foreign Relations, and on the execution of the engagement on the part of the French Government. In that manner what Government chose to announce the revocation to its officers and subjects, was immaterial to the United States. The only point in which they were concerned, was, that that revocation should, according to the engagement, be faithfully carried into effect. And this is the reason why I thought it necessary to show in what manner it was executed in France. Why the publication of the decree of the 28th April, 1811, was delayed, is not known to the United States, and they have no interest in knowing it. The delay cannot affect them, since their rights, founded on compact, are independent of the decree, and would be precisely the same if it had never been enacted.

Had all these facts been brought within the view of the Council of State; had that body been aware that the revocation of the Berlin and Milan decrees had been the result of an engagement taken by the French Government, on a condition which had been faithfully fulfilled by that of the United States; had they been informed that it was thus considered by the former Government of France, and that every decision which had heretofore taken place in relation to American vessels, was consistent with the principle that those decrees had ceased to have effect with respect to American commerce, from the 1st of November, 1810; it is impossible to suppose that the presumed ignorance of that revocation, on the part of the captains of two French frigates, could have been alleged as a reason why the owners of the *Dolly* and *Telegraph* should not be indemnified for the destruction of their vessels and cargoes, more than one year after that date.

That ignorance on the part of the captains may be accepted as a sufficient justification for every part of their conduct, so far as respects their responsibility towards their own Government, if that Government thinks it proper. That is a point in which the United States have no concern. But that circumstance cannot release the Government of France from their engagement with that of America, that the decrees should have no effect after the 1st of November, 1810; nor from the obligation of indemnifying the American citizens who may, in contravention of that engagement, have sustained losses by the erroneous application of those decrees subsequent to that day.

The Government of France, having once en-

tered into that engagement, became responsible for its faithful and complete execution. The solemn promise was made the 5th of August, 1810, and it became irrevocable, provided the condition attached to it was fulfilled. In postponing the execution till the 1st of November, an epoch fixed by the French Government itself, time was taken, sufficient in its own opinion, to give the necessary orders, and to insure the performance of the promise. It became the duty of that Government to give instructions to that effect to their tribunals and officers; and they are bound to indemnify, if, through neglect, or any other cause, some of their naval officers were not duly instructed, and American citizens have suffered any injury on that account. The condition annexed to the revocation, as announced on the 5th of August, 1810, was only that the United States should act in conformity with the act of Congress of the 1st of May preceding. As there was, of course, the strongest probability that that condition would be fulfilled, and that the revocation would, as in fact it did, take effect on the 1st of November following, orders ought to have been immediately issued to prevent, after that day, any act violating the engagement. It may be added, without attaching much importance to the fact, that the President's proclamation and the Treasury circular, of the 2d November, 1810, were communicated by Mr. Russell to the Duke of Cadore, on the 17th of December following; that is to say, eleven days prior to the sailing of the *Medusa*.

In the case of the *Dolly* and *Telegraph*, there are two distinct acts committed by the captains of the French frigates—the capture of the American vessels, and afterwards their destruction. In all cases of capture, the United States have a right to demand a trial by a competent tribunal. According to the present jurisprudence of France, that tribunal appears to be the Committee of the Council of State, known by the name of "*Comité du Contentieux*." The first question they had to decide was, whether the capture was legal or not. On that question there could not have been any hesitation. The series of the acts connected with the revocation, the decree itself of the 28th of April, 1811, all the former precedents, all the decisions of the Council of Prizes, left not the smallest doubt that the Berlin and Milan decrees had ceased to have effect, on the 1st of November, 1810, and that any subsequent capture, founded on those decrees, was illegal and null. Indeed, there would have been no difficulty, if the captains of the frigates, ignorant of the revocation, had only captured the *Dolly* and *Telegraph* and sent them into port for adjudication. Those two vessels would have been acquitted and restored, as were all the other American vessels that were brought into French ports, under similar circumstances. Instead of pursuing this course, the French captains plundered and burnt the ships. This act renders the restoration impracticable; but, the capture being illegal, it does not, at least, release the French Government from its responsibility.

A belligerent has a right to capture, and, at his discretion, to destroy the vessels of the enemy.

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With respect to neutrals, he can only capture, and send in for adjudication, the vessels pursuing a trade contrary to the duties imposed on neutrals, by the law of nations. It is already sufficiently hard on them that the decision should be made by a tribunal of the belligerent Power. But the benefit of such trial was never denied to them, not even by the Berlin and Milan decrees. Those decrees declared, in violation of the law of nations, neutral vessels liable to capture and condemnation for pursuing a legitimate commerce; but they did not change the course of proceedings with respect to the mode of decision. A trial and condemnation, by a competent tribunal, were still necessary. Navy officers, by the law of nations, never are, and even by those decrees were not, authorized, in any case, to burn at sea the vessels of a nation at peace. Such an act is a wanton outrage, wholly unjustifiable, and for which, if at any time committed, even under a plea of necessity, the nation is always responsible. The most aggravating circumstance of the whole case cannot, in any view of the subject, be adduced as a reason to defeat the right of the parties to an indemnity. That indemnity is equally due by the Government of France; that Government is equally responsible for the outrage committed by the officers of its navy, whether the act be owing to neglect, in not issuing in time the necessary orders, to improper or unauthorized conduct on the part of the officers, or to any other cause.

Having laid before your Excellency what, I trust, will be considered a conclusive statement of facts, it grieves me to be compelled to say, that the decision of the Council of State, of the 19th of December last, is the first positive act by which the Government of France seems to have considered itself as released from the solemn obligation contracted with the United States, "that the Berlin and Milan decrees were to cease to have effect, after the 1st of November, 1810." And it has afforded me great relief to find, on the face of that ordinance, irrefragable proofs that it must be ascribed to an unintentional error, arising from the Council not having been put in possession of all the material facts connected with the case.

I apply, therefore, to your Excellency, with perfect confidence in the justice of His Majesty's Government, and have the honor to request, 1st, that you will be pleased to lay the subject before His Majesty, in order that the ordinance, of the 23d of December last, may be rescinded, and a revision of the affair ordered. 2dly, that when brought again before the Council of State, you will have the goodness to have all the facts relative to the revocation of the Berlin and Milan decrees fairly laid before that body, in order that the owners of the *Dolly* and *Telegraph* may receive the indemnity justly due to them for such a wanton and unjustifiable outrage as the destruction of their vessels and cargoes.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex^{cy} Baron PASQUIER,

Minister of Foreign Affairs, &c.

No. 143.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, April 27, 1820.

"Mr. Pasquier has also informed me that he had referred to the Minister of Justice my remonstrance, of the 15th March last, against the decision of the Council of State, in the case of the *Dolly* and *Telegraph*. This a very unusual course in an affair where our rights are founded on a positive agreement between the two countries—an agreement entirely political, and in which the Minister of Foreign Affairs was the organ of the French Government."

No. 147.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, June 9, 1820.

"Being yet without instructions, on the subject of our claims for indemnity, I acquiesced in Mr. Parish's wish to lay the Antwerp cases before the Department of Foreign Affairs; and have the honor to enclose the copy of a letter which I wrote to Mr. Pasquier on that subject."

In duplicate of Mr. Gallatin's, No. 147.

PARIS, May 9, 1820.

SIR: I had the honor, on the 11th of February, 1819, to transmit to his Excellency General Dessolle, a memorial of Mr. David Parish, to his Excellency the Minister of Finances, relative to certain American vessels and cargoes sequestered at Antwerp, in the beginning of the year 1807; and I now beg leave to transmit a new application of that gentleman, addressed to your Excellency. Permit me to add a few observations to those contained in those memorials, and in my letter of the 11th of February, 1819, to General Dessolle.

The only extraordinary French decree in force, when those vessels arrived at Antwerp, was that of Berlin, dated the 21st November, 1806. Some of its enactments were unjust, and contrary to the law of nations; yet it made merchandise liable to confiscation, only in case of its being British property, or of the manufacture or produce of Great Britain or her colonies. With respect to vessels coming from England, it was by that decree only declared that they should not be received in French ports; and such vessels were, with their cargoes, made liable to confiscation only in case they should have contravened that provision by means of a false declaration. It was not until the 17th December, 1807, that, by the still more arbitrary decree of Milan, neutral vessels, which might have been searched by an English ship, or sent to England, were declared to be denationalized, and good prize.

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The vessels in question were bound from the United States to France, but had on their passage been sent forcibly to England, and were afterwards released. They do not seem to have come, in any shape, within the purview of the Berlin decree.

But even if considered as coming from England, within the meaning of the act, as they had not concealed the fact by any false declaration, the utmost penalty to which they were liable by that or any other existing decree, was not to be received in a French port. Their being nevertheless admitted and sequestered, instead of being sent off, was the act of the French Government. They were detained, as will immediately be shown, only in order to ascertain whether there was not some other contravention of the decree—whether the cargo, or some part of it, was not British property. Unless this can be established, or that they had made a false declaration, the simple fact of their having arrived at Antwerp from an English port did not make them liable to confiscation.

By an Imperial decision of the 2d July, 1808, the cargoes being of a perishable nature were ordered to be sold, and the proceeds to be placed as a deposit in the *caisse d'amortissement*; and an inquiry was directed to be made, in order to ascertain whether the property was not English. His Excellency Baron Louis, to whom, as Minister of Finances, the memorial of Mr. Parish above-mentioned had been addressed, wrote to him on the 22d May, 1819, that the proceeds of the sales had been withdrawn, by superior orders from the *caisse d'amortissement*, and paid into the public treasury; and he adds that they were thereby definitively acquired by the State. He has communicated neither the date nor the tenor of those orders. That he should have considered them as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners, may be understood; and it is presumed that this was his meaning. He cannot have intended either to pronounce on the merits of the case, or to maintain the untenable position that the transmission of the money from one public chest to another could have affected the rights of the parties. Its being expended for public purposes, instead of remaining as a deposit, is a proof of the wants of Bonaparte, but it is not a decision on the case. A definitive confiscation, even under the Imperial regime, could only take place with the usual forms, and by virtue of a direct and positive act to that effect. All that was done by that Government with respect to this property was the order of sale, the order to place the proceeds in some public chest, and the inquiry relative to the ownership. No final decision, no condemnation, has ever taken place.

It happens, even that, with the exception of these vessels and of four others consigned to Mr. Ridgeway, the American Consul at Antwerp, all the other cargoes sequestered in that port, under similar circumstances, were delivered to the owners, and that the conditional bonds they had given were returned to them. The principle has thus

been decided in favor of the claimants, and nothing remains but to apply it to their special case.

Having received special instructions from my Government in regard to this claim, it is in its name that I beg leave to call your Excellency's attention to Mr. Parish's memorial, and that I ask for that decision which justice requires, and which has been but too long protracted.

Your Excellency will perceive that this decision does not depend on the question of the legality or illegality of the Berlin and Milan decrees, and that I have argued as if those acts had been valid. Although they cannot certainly be admitted as such by the Government of the United States, it is a question unconnected with the present case, and which is reserved for a future discussion.

I request your Excellency to accept the assurances, &c.,

ALBERT GALLATIN.

His Excellency Baron PASQUIER,
Minister of Foreign Affairs, &c.

Extract of a letter from Mr. Adams, to Mr. Gallatin, dated

DEPARTMENT OF STATE,
Washington, March 31, 1821.

"Mr. Archibald Gracie has again solicited some special interposition of this Government to press that of France for an adjustment of his claim. He considered it as standing upon grounds so clear and incontrovertible, that the French Government cannot ultimately resist the equitable obligation of providing for it.

"The Government of the United States cannot undertake to discriminate between the comparative merits of the claims of their citizens upon the Government of France. It asks justice for them all; it asks no more than justice for any. More than two years since, the claims of Mr. Gracie, and all the Antwerp cases, were recommended to your special attention, in the presumption that, standing on ground peculiarly imposing on the French Government, it would not be able to resist them, and that success in those cases would pave the way for it in all others. It is in this view, that is, by pressing this, and the Antwerp cases generally, the other cases would not only not be injured, but benefited, that your attention to them is suggested. The force of example, added to the other powerful considerations in their favor, might do much. But that is left altogether to your judgment, aided as you are by all the lights belonging to the subject; and, unless you shall be satisfied that the proposed pressure will have the good effect contemplated, it is expected that you will of course decline it."

Mr. Adams to Mr. Gallatin.

DEPARTMENT OF STATE,
Washington, June 29, 1821.

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this Department some time since, from Mr. Connel, as agent for sundry insurance companies in Philadelphia, hav-

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ing claims upon the French Government; upon which I would refer you to the letter which I lately wrote you concerning the case of Mr. Gracie's claim. These gentlemen appear to have received recent information, upon which they place some reliance, indicating on the part of the French Government a disposition more favorable to claimants upon their justice, than had been previously manifested. Should any prospect of that nature be perceived by you, your own disposition to make it available for the benefit of the sufferers, will, itself, serve the purpose of a standing instruction.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

No. 193.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, November 15, 1821.

"Mr. de la Grange, the lawyer generally employed in American cases, having requested me to transmit to the Minister of Foreign Affairs a copy of his memoir in the appeal of Richard Faxon, now pending before the Council of State, for indemnity on account of a seizure made at Santander, in the year 1812, I addressed to Mr. Pasquier, on the 31st ultimo, a note on the subject, copy of which, as well as of the said memorial, I have the honor to enclose. You will perceive that I took that opportunity of reminding the Minister of the case of the 'Dolly' and 'Telegraph,' on which it does not seem that the Minister of Justice has yet made any report."

[TRANSLATION.]

Mr. Gallatin to Baron Pasquier.

PARIS, October 31, 1821.

SIR: I have the honor to transmit to your Excellency, under this cover, a memorial addressed to the King, in his Council of State, for Richard Faxon, a citizen of the United States, who complains of a judgment of the Board of Finances, approved by his Excellency the Minister of the same department.

The question is, of a seizure made by the French customs, in 1812, at Santander, in the stores of Joachim Munios, of a quantity of sugars, belonging to said Faxon. The Board of Finances seems to have dismissed his claim, from supposed presumption that he was not the proprietor; and your Excellency, by glancing over the memorial, will be convinced that there can be no doubt in this regard.

But the board has, if I may be allowed the expression, reserved a subsidiary question, that of knowing if a citizen of the United States could pretend to any indemnity for having suffered, in this part of Spain, the application of the laws of France, which then aimed at colonial goods. Ignorant of what laws the board speaks, I can only

observe, generally, that none could ever give the right of seizing, without indemnity, upon the known property of a citizen of the United States, deposited, for three years, without having been there molested, in the stores of his correspondent.

As it is, however, possible, that the laws in question may be no other than the Berlin and Milan decrees, and the different imperial or administrative decrees which have been the consequence of them, I pray your Excellency to be pleased to lay before the Council of State the correspondence between the Ministers of the Government, from that time, and those of the United States, as well as the other documents, which prove that these decrees had been repealed, in regard of the United States, long before the seizure of the sugars of Mr. Faxon.

I ought also to remind your Excellency of another affair, more important for the principles which apply to it, but which depends, likewise, upon the date of the repeal of these two celebrated decrees. I had the honor to address to you, under date of 15th March, 1820, a very long note on the subject of the decision of the Council of State, by which the claim of the proprietors of the vessels *Dolly* and *Telegraph*, burnt on the open sea by two French frigates, in November and December, 1811, was rejected. This decision could only have taken place because the documents, proving the date of the repeal, had not been laid before the Council; but is supported by considerations which can only produce the most troublesome effects. I can assure your Excellency, that the revision is of high importance, and I hope that you will judge, that a delay, which is already upwards of twenty months, ought to be no farther prolonged.

I pray your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

No. 200.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, January 14, 1822.

"I have the honor to enclose the copy of a note which I wrote on the 10th instant, to the Minister of Foreign Affairs, on the subject of the Antwerp claims."

PARIS, January 10, 1822.

SIR: I had the honor on the 9th of May, 1820, to transmit to your Excellency's predecessor, a memorial of Mr. David Parish, relative to the American cargoes sequestered at Antwerp in the beginning of the year 1807, and to add some observations in support of the claim. Twenty months having since elapsed, a time amply sufficient to make every inquiry respecting the merits of the case, I have been instructed by my Government to renew the application, and to call, in the most forcible manner, the earnest attention of His Majesty's Ministers to that subject.

In urging a decision on this reclamation, sep-

arately from others, there is not the most distant intention of abandoning the other claims of citizens of the United States for the indemnities so justly due to them. But it is time, after so many delays, to obtain at least a decisive answer, and to ascertain the determination of the Government of France in that respect. And this claim has been selected because it is altogether free of any of the objections, however unfounded these may be, which have been suggested in regard to other cases.

It is not, in the first place, necessary in this instance, to discuss questions connected with the illegality of any of the decrees contravening the law of nations, which were issued by Bonaparte. The vessels in question had not violated any of those decrees; their cargoes were not liable to confiscation by virtue of any provision contained in any edict in force at the time of their seizure.

And, secondly, not only is the case entire; not only has there been no trial or condemnation of the cargoes; but the principle, that they were not liable to confiscation, has been settled, by the decisions of Government in analogous cases, and even with respect to portions of the identical property for which indemnity is now claimed.

I trust that I will be able to establish both these positions, to your Excellency's satisfaction.

The only extraordinary decree of the French Government affecting the navigation of neutral nations, in force at the time of the arrival of the vessels alluded to, in a French port, was that issued at Berlin, the 21st of November, 1806.

It was, by that decree, amongst other provisions, declared, 1st, that merchandise belonging to a British subject, or being the produce or the manufactures of colonies of Great Britain, should be condemned as good prize, (Article 5 and 6;) 2d, that no vessel coming directly from England, or from her colonies, or going there (*qui s'y rendra*) after the known publication of the decree, should be permitted to enter any French port, (Article 8;) 3d, that every vessel contravening the decree by a false declaration, should be seized, and her cargo confiscated as British property, (Article 9.)

During the first months subsequent to that decree, a number of American vessels arrived in France, coming from the United States, but having on their passage been compelled to stop in England, either by British cruisers or by stress of weather. The question arose, whether it was intended by the 8th article of the decree, to exclude only vessels which had gone voluntarily to an English port, or whether it included even those which had been compelled to do it by what is called *relâche forcée*. The words used in the article, *venant directement*, and *qui s'y rendra*, seemed to favor the first construction; and it was clear that if the last was adopted, British cruisers had nothing to do but to stop for a few days every neutral vessel bound to France, in order to destroy her external commerce. These, however, were questions for the French authorities exclusively to decide. It was altogether in their power to have decided that the vessels in question were embraced by the

decree, and to have refused to admit them in any port. The Minister of Finances, impelled by what was evidently for the interest of the French commerce, allowed the cargoes to be provisionally landed and deposited in the public stores until the decision of Bonaparte on the question was known; and permitted, also, that they should be delivered to the consignees on their giving an obligation to pay to the custom-house the estimated value thereof if so ordered by that decision. It was, therefore, by the act of the French Government, that the vessels landed their cargoes instead of being ordered off. And that provisional construction continued in force till the 4th of September, 1807, when the Director General of the Douanes announced, by a circular, "That the Emperor had decided that the 8th and 9th articles must have their full and entire execution, and that no vessel which had touched in England, or been conducted there, could be admitted." "Thus," added the Director, "the immediate retrogradation of those vessels shall be required, whatever be the alleged causes of superior force, and the documents produced in proof thereof. Those which, by a false declaration, may conceal the fact of having touched in England, and succeed in thus entering our ports, shall be seized, and the vessels and their cargoes shall be proceeded against in the form prescribed by the decree, in relation to English property." In conformity with this decision, several American vessels, bound to Antwerp, were sent away, amongst which may be mentioned, the "Dragon" and the "Two Brothers," and also the Orozimbo, belonging to one of the owners of the cargoes for which indemnity is now claimed, although her cargo had already been actually landed. It would have been fortunate for the owners of the merchandise, which is the object of this reclamation, that this decision should have been made from the first, or that when made, it should have been applied to their property.

Amongst the American vessels arrived from the United States in French ports, in the year 1807, prior to the decision of the 4th of September, and which had been compelled to touch in England, seven came to Antwerp, consigned to two American houses; the Bordeaux Packet, Helena, North America, and Diamond, to that of Mr. Ridgway; and the Perseverance, Hiram, and Mary, to that of Mr. Parish. The consignees declined availing themselves of the option offered by the French authorities to receive the cargoes on giving bond for their value, to abide by the final decision of Bonaparte.* They preferred that the cargoes should remain in the custom-house stores subject to that decision. Their motive was obvious.

* To this there were two exceptions, the consignees having subscribed obligations, 1st, for a small quantity of potash, (about fifteen thousand francs in value,) received and sold by them on the first arrival of the vessels; 2dly, for the value of some of those vessels, in order to enable them to leave the port. The others were permitted to depart without the bond being required.

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It was only by the subsequent decree of Milan, of the 23d November, 1807, that it was enacted, "That all vessels which, after having touched in England, might, from any motive whatever, enter the ports of France, should be seized and confiscated, as well as their cargoes, without exception or distinction of produce or merchandise." The only causes of confiscation by the Berlin decree, were, concealment of the fact of having touched in England; and the merchandise being either British property, or the produce of England or of her colonies. It was known to the consignees, had already been acknowledged, and was further substantiated by a subsequent inquiry, that every part of the cargoes belonged to American citizens, and that no part was the produce of Great Britain, or of her colonies. It was equally known, and has never been denied, that the captains of all the seven vessels had, on their first arrival, made no concealment; that they had all made true declarations of the compulsory touching in England, (*relâche forcée*.) The expected imperial decision could, therefore, only apply to the doubtful question, whether the vessels and cargoes in that predicament embraced, or not, by the article of the decree, which forbade, in general terms, the admission of vessels that had touched in England, whether the cargoes in question should be admitted or sent away. In case the decision should be that the vessels were, notwithstanding, the *relâche forcée*, included in the article of the decree, and that the cargoes were inadmissible, they might, by remaining in the public stores in their original state be sent out of France, and the decision be strictly complied with. But if, instead of that, those cargoes were sold, (and the consignees could have had no object in receiving them, but that of selling them,) the exportation could not have taken place in conformity with the decision; and the consignees, unable to comply with it, might have been compelled to pay the amount of the bond, which would have been tantamount to a confiscation of their property.

The decision of the 4th of September, 1807, being made only prospective, the consignees at first hoped that the cargoes of the seven vessels previously arrived, would be admitted to be sold for home consumption, and accordingly delivered to them. But when they found themselves disappointed in that respect, adhering to the same line of conduct which they had pursued, not to depart from the enactments of the Berlin decree, they applied, on the 22d of March, 1808, to the Director General of the Douanes, and on the 7th of April ensuing, renewed the application, both to him and to the Minister of Finances, stating that the steps they had taken to obtain the definitive admission of that merchandise having been fruitless, and the goods, especially the potash, rice, brown sugar, and cochineal, becoming gradually damaged in the *entrepôt*, they now asked the permission to export the merchandise to a foreign country, and that in conformity with the decree of the 21st of November, 1806.

In answer to that petition Bonaparte ordered, by a decision of the 2d of July, 1808, that the

cargoes should be sold, and the proceeds deposited in the *caisse d'amortissement*, and that an inquiry should be made on each of the vessels which had brought in the cargoes, in order to ascertain whether the owners were not British. On this decision, it is only necessary to observe that it corroborates what has already been stated, and was, indeed, evident, that no concealment having been made by the captains of their *relâche forcée* in England, no other cause or pretence for confiscation could be, or was alleged, than the apprehension that the property was British, or of British origin.

To the sale of the cargoes for the purposes intended, the consignees did of course object; and they succeeded in preventing it for two years. But to that part of the decision which ordered an inquiry, they cheerfully submitted, and communicated all the documents, papers, and letters, connected with the vessels and their cargoes. A severe scrutiny took place, the result of which was altogether favorable, it being proven, in the clearest manner, that the cargoes were exclusively owned by American citizens. Of their origin there does not appear to have ever existed any doubt.

The merchandise, notwithstanding the result of this inquiry, was not restored to the consignees. By a decree dated at Ebersdorf, the 29th of May, 1809, 780 barrels of potash and pearlash, making part of the cargoes of the *Perseverance* and *Mary*, were put at the disposal of the Minister of War, and the estimated value directed to be paid by him in the *caisse d'amortissement*. That portion of the cargoes was accordingly taken from the *entrepôt* and delivered to that department, having previously been valued at near 450,000 francs, notwithstanding a deduction, made on account of the damages arising from the long detention in the public stores. Finally, the whole residue of the cargoes was sold in June, 1810, by virtue of an imperial decision, of the 4th of May, of that year. It is asserted, that, by virtue of an order subsequent to the sales, which has never been published nor communicated, the proceeds of those sales were ultimately paid in whole, or in part, into the public treasury.

Your Excellency must agree with me, that, from the preceding statements of facts, it evidently follows, 1st, That, as I had stated in the beginning of this letter, there has been, in this case, no violation of any existing decree, that the cargoes were not liable to confiscation by virtue of any provision contained in any edict then in force; 2d, That the consignees uniformly took those decrees as the basis of their conduct, and committed no act which might impair the rights of the owners of the property; 3d, That, by allowing the cargoes to be deposited in the public stores, until the decision of Bonaparte was known, whether the vessels were or were not embraced by the article of the decree which forbade the admission of those which had gone to England, a formal engagement had been contracted on the part of Government, to permit the exportation of the merchandise in conformity with the decree, in case the decision

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was against its being admitted for home consumption; 4th, That although nothing could be farther from the views of the Minister of Finances, yet it was solely owing to the doubts he entertained respecting the construction of the Berlin decree, that the cargoes fell in the possession of the custom-house; that it was the unforeseen consequence of his act, which was that of the proper French authority in that case, that the above mentioned engagement not having been fulfilled, the owners have, by a flagrant injustice, been to this day deprived of the merchandise and of its proceeds.

The fact that there has been no trial or condemnation of the property is notorious; and I would at once proceed to the decisions made in analogous cases, was it not necessary to take, in the first place, notice of a most extraordinary unfounded inference, drawn from a fact immaterial in itself, and which, although not officially communicated, has been made known to me by the parties.

Amongst the several applications for indemnity, made at different times, and in various shapes, by the consignees, a memorial had been addressed to the Minister of Finances, by Mr. Parish, which, at his request, I transmitted on the 11th of February, 1819, to Marquis Dessolle. I wrote again to that minister on the same subject, on the 23d of March following, and had requested, that a report intended to be made by the direction of the Douanes to the Minister of Finances, might be communicated to me. This was not done: but H. E. Baron Louis wrote to Mr. Parish on the 22d of May, of the same year, that the proceeds of the sales had been withdrawn, by superior orders, from the *caisse d'amortissement*, and paid into the public treasury; and he added, that they were thereby definitively acquired by the State. This inference appeared so preposterous, that, when alluding to it in my letter of the 9th of May, 1820, to H. E. Baron Pasquier, I said, that I presumed the meaning of the Minister of Finances to have simply been, that he considered the orders in question as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners.

The assertion having, however, been made in that broad way, I am compelled to refute it. But I beg your Excellency to be persuaded that I do it only in an hypothetical way, and in the discharge of my responsibility, and that I do not suppose, or mean to insinuate, that it ever has been, or can be, the intention of His Majesty's Ministers, seriously, to resort to such an untenable pretence, for the purpose of avoiding the payment of a just debt. I consider the objection as being the work of a subordinate agent, whose duty it may have been to collect whatever might be suggested against claims on the public treasury, and the communication to Mr. Parish, as only intended to afford him the means of knowing and repelling every such suggestion. For that purpose, the following observations will, it is hoped, be deemed conclusive:

1. It was agreed, by the 22d article of the convention
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between France and the United States, of the 30th September, 1800,* which was in full force when the vessels in question arrived at Antwerp, that the established courts for prize causes should alone take cognizance of them; that whenever such tribunal, of either of the parties, should pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence, or decree, should mention the reasons, or motives, on which the same should have been founded; and that an authenticated copy of the sentence, or decree, and of all the proceedings in the case, should, if demanded, be delivered to the commander, or agent, of the said vessel. By the 10th article of the Berlin decree, the Council of Prizes at Paris was, accordingly, charged to decide on all cases arising under the said decree, in the following words: "Notre Conseil des Prises à Paris est chargé de décider de toutes contestations qui pourront s'élever au sujet des prises qui en vertu du présent décret pourront être faites, tant dans notre empire que dans les pays occupés par nos troupes." There having never been any trial, in the cases in question, before the Council of Prizes, there can have been no condemnation of the property, in conformity either with the solemn obligations of the treaty, or with the provisions of the only decree in force at the time, and applicable to those cases.†

2. Independent of any of the considerations drawn from treaty obligations, or from the provisions of the decree itself, it is equally repugnant to the principles of the law of nations, as generally recognised by the civilized world, and to those of the municipal laws of any civilized nation, to consider the order in question as implying the condemnation of the property of the parties, or as, in the smallest degree, affecting their rights. There was not, in this case, even the form of a trial; no hearing of the parties; no notice given to them of any alleged grounds of condemnation, or even of any intention to bring them to a trial. Nor was the order alluded to communicated to them, or made public, either in the bulletin of laws, or in any other manner. On those topics it is unnecessary to dwell—it is sufficient to have stated them. I will only observe, that, without publicity in laws or decrees, there would be no guarantee

*The convention was to be in force for eight years, from the date of the exchange of the ratifications, which took place at Paris on the 31st of July, 1801.

† This provision appears to have been omitted in the Milan decrees of the 23d of November and 17th December, 1807. But even then, condemnations took place only by virtue of special and positive imperial decisions to that effect, and were not inferred from an order to pay in the treasury. Thus, in the case of the *Sally*, condemned under those decrees, the Minister of Finances wrote on the 6th of November, 1810, to the Director General of the Douanes, "J'ai l'honneur de vous informer que par décision du 30 Octobre dernier, Sa Majesté a ordonné la confiscation du navire Américain la *Sally*, Capitaine M. Brown, ainsi que de sa cargaison, pour cause de deux relâches en Angleterre."

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for the rights of individuals; that publication has, therefore, by the laws of every well-ordered country, of France as well as of every other, always been made a necessary ingredient of any judgment or decree affecting such rights; and that the fact of the order, in this case, not having been published, or at least communicated, is alone a conclusive proof that it was a mere administrative order, binding on the public functionaries to whom it was directed, and in no shape impairing or affecting the ultimate rights of the parties.

3. The official reports and acts of Government, since the restoration, are in direct contradiction with the inference attempted to be drawn, that the payment (*versement*) into the treasury, or the application to public purposes, of funds before deposited there, is tantamount to a definitive acquisition to the State of such funds, and releases it from the obligation of repaying the same. This will be fully demonstrated by the following quotations from the report of the Minister of Finances (Baron Louis himself) of July, 1814.

[The French is here, as in every other place where it occurs in the document, omitted, when supplied by a translation.]

"The *caisse d'amortissement* was instituted as a depositary of the funds of securities; the judiciary deposits, and several individual deposits, were intrusted to it on a provision of restitution. All these funds were, for a long time, by the orders of the chief of the Government, employed for the expenses of the State; —. The funds deposited in the *caisse d'amortissement*, are the securities—they amount — to the sum of —, (of which it) has only actually received a sum of —. The surplus has been paid over, and remains in the Treasury, for 88,675,000 francs, &c. The judiciary deposits placed in the *caisse d'amortissement*, amount to 11,814,000. The other funds in deposit, are — total 7,358,000. The reimbursements on these funds have been continued, &c.

"The funds deposited in the *caisse de service*, amount — tot. 43,000,000. The reimbursements of the funds deposited have been faithfully continued, although they had been expended, &c.

"The necessity of anticipations introduced them from the commencement of each duty, and they have often been extended to all the funds which this Minister (of Finances) could obtain, and they have devoured the funds deposited, &c. The arrearage of the Minister of Finances on the 1st April, is composed of deposits expended," &c.

I must here beg leave to observe, that I do not mean to say, that H. E. Baron Louis was inconsistent with himself with respect to the question relative to the proceeds of the Antwerp cargoes. The transaction was probably unknown to him, or not attended to at the date of the report alluded to; or he may, at that time, have already been told, that they made no part of those deposits (*dépôts consommés*) which Government was bound to reimburse. All that concerns me is, to refute the inference, as made in his letter to Mr. Parish, that such deposits were acquired to the State merely because they had, by superior orders, been withdrawn from a certain *caisse*, and paid (*versés*)

in the Treasury. And it follows, irresistibly, from the quotations I have made, that it was the general habit of the head of the Government, at that time, to apply, to the expenses of the State, whenever exigencies required it, every species of deposited funds, without regard to their origin, or to the particular chest in which they were deposited; that the proceeds of the Antwerp cargoes would not have been any more respected had they been nominally left in the *caisse d'amortissement*, instead of being transferred (*versés*) into the treasury; that the funds originally deposited, although withdrawn and expended, (*consommés*) continued to be faithfully reimbursed by Government, and especially that the payment (*versement*) in the treasury did not, as is clearly proven in the instance of the *cautionnements*, operate as a release from the obligation of reimbursing the funds thus diverted and expended. I will add, that, although those *cautionnements* are not, from their nature, generally considered as a debt, the payment of which may be required, (*dette exigible*) yet a very considerable portion has actually been reimbursed to the functionaries or persons belonging to territories formerly annexed to France, which make no longer part of it.

4. The Council of State has decided, in an analogous case, that the payment in the treasury was not tantamount to a condemnation. In January, 1810, the American vessel Eagle had been captured within five leagues of the shore, by a French privateer, and conducted to the port of Passage. The captured and captors made a compromise on the subject; but the vessel and cargo were seized, sequestered, sold, and the proceeds paid in the treasury, by virtue of the decrees passed at that time by Bonaparte, under color of reprisals. The case was brought before the Council of State, who, on the 20th of April, 1820, ratified the compromise above mentioned, notwithstanding the opposition both of the captured and the general direction of the Douanes. The first reason assigned for this decision is in the following words: "Considérant qu'il n'existe dans l'espèce aucun acte qui ait prononcé la confiscation du navire l'Aigle au profit du Gouvernement Français." This case and that of the Antwerp vessels may differ in many other respects; but the Eagle was included in the general, arbitrary, and unjustifiable seizures, known by the name of the St. Sebastian sequestration; and the vessels and cargoes, thus sequestered, are, so far as relates to the particular question now under discussion, precisely in the same predicament as the Antwerp cargoes. They were equally sold, nearly at the same time, and the proceeds were equally, by a similar order, paid in the treasury and applied to public purposes. Indeed, from the comparison of dates, and other information obtained, I may assert that the identical order by which the proceeds of the Antwerp cargoes were directed to be paid in the treasury, included all the others which had been sequestered; and, amongst them, the St. Sebastian and Passage vessels and cargoes, including the Eagle. The fact, at all events, of the proceeds of sales in this last case, having, like those

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of the Antwerp cargoes, been paid into the treasury, is not only notorious, but was within the full knowledge and view of the Council of State when the above decision was made. For, in the observations laid before it by the direction of the Douanes, in opposition to the claim of the captors, it is expressly stated "que c'est en vertu d'ordres émanés de S. M., et ayant pour base le droit de représailles, que le séquestre avoit été mis, la vente effectuée, et le produit versé au trésor." In declaring, therefore, that there existed no act which had pronounced the confiscation of the vessel *Eagle* to the profit of the French Government, the Council of State has explicitly and directly decided that an order issued from Bonaparte, directing the sale of a vessel and cargo, and that the proceeds should be paid in the treasury, was not an act pronouncing the confiscation of such vessel and cargo, or of their proceeds.

Your Excellency will probably think that it was superfluous on my part to have accumulated such an overwhelming mass of proofs for the purpose of crushing a mere shadow, which may be dissipated without recurring to any extraneous consideration. In taking for granted the order alluded to by Baron Louis, it must be assumed such as he had stated it, that is to say, as simply directing the withdrawing of the proceeds of sales from a certain chest, and their being paid into the treasury. Indeed, had there been any thing further affecting the question, in that document, he would not have failed to mention it in support of the inference attempted to be drawn. Such a decree, from its nature, must be strictly construed; it cannot be extended beyond what appears on the face of it, beyond its positive enactments, and be made to say what is not contained in it. Had it been intended, not only to make use of the property for immediate exigencies, but to pronounce its definitive condemnation, there could have been no motive, since the decree was not to be published, for not inserting in it a positive clause to that effect, as was done in the other cases where condemnation was the object. But, whatever may have been the intention, the omission of such a clause is of itself, and alone, conclusive against the gratuitous and unjustifiable assertion, that the order is tantamount to a condemnation. The order in question does not confiscate the property, because it contains no clause to that effect.

The acts and the decisions of the Government, directly supporting or recognising the justice of the claim, will now be stated.

All the vessels which arrived, under similar circumstances with those whose cargoes were sequestered at Antwerp, subsequent to the decision of the 4th of September, 1807, and prior to the Milan decree of the 23d of November ensuing, instead of being detained, were refused admittance and sent off. One of them at least, the *Orozimbo*, was within the power of the Government, and her cargo, which, as has already been stated, was actually landed on account of repairs wanted by the vessel, might certainly have been seized. On the same principle on which she was suffered to depart with that cargo, those of the seven vessels

previously detained, should have been allowed to be exported. To admit that she was not liable to seizure, was an acknowledgment that there was no right to sequester and sell those of the other vessels. But there are other cases still more in point.

It was only in the instance of the seven vessels in question that it was agreed that the cargoes should be deposited in the public stores until the final decision respecting the construction of the Berlin decree was known. The consignees of all the other numerous vessels which arrived during the same period, and under the same circumstances, in the other ports of France, preferred to avail themselves of the opinion given by the Minister of Finances, to receive the cargoes, and to give bond for the estimated value thereof. The obligations (*soumissions*) subscribed by the consignees, were in the following form:

"State of the merchandise brought into this port by the ship —, which we claim from the sequestration of the custom-house, where they are deposited by order," &c.

[Here follows the enumeration and valuation of the merchandise.]

"Which sum of — we submit, with our security for the whole debt —, to represent to the receiver of the customs of —, if the decision of His Imperial Majesty ordain it, on account of the forced visit in England of said ship —, we reserving, in need, recourse to the legal tribunal. Done at —, the —.

"(Signed) The trustees and their security."

The number of cases in which obligations of this kind were given, is known to the French Government, though not to me; but it embraces, as already stated, all the vessels, the seven which came to Antwerp only excepted, which, having been compelled to touch in England, arrived in French ports, from the publication of the Berlin decree in the latter end of the year 1806, until the decision of the 4th of September took place.

In no instance whatever has the payment of any one of these obligations been enforced. In every other instance but that of the Antwerp cargoes, those of vessels precisely in the same predicament, have been sold for the use of the owners, no steps taken to recover the estimated value for which the obligations were given, and, in some instances, at least, those obligations have been positively annulled. Notwithstanding the difficulty of obtaining information on the last point, the parties interested in the Antwerp claim have been able to furnish me with the following extracts of two decisions:

"NAPOLÉON, &c.

20th September, 1809.

"The underwritten recognizance to the custom-house of Marseilles by M. M. Autran Bellier, to answer for the value of the cargo of the American ship *Eliza*, which was remitted to their disposal, is annulled."

"16th November, 1809.

"The same decrees in favor of M. Hottinguer, for the cargo of the American ship *Ann*, arrived at Cherbourg."

Whatever may have been the motive of Gov-

ernment for not enforcing the payment of those obligations, the omission of doing it in any case whatever, is an absolute recognition, on its part, that there was no ground for confiscation; and the two instances quoted are sufficient to establish the fact of positive decisions, in cases perfectly similar to that which is the object of the present reclamation.

The same principle has been applied even to a portion of the identical property sequestered at Antwerp, the payment of similar obligations, which, as already stated, had been subscribed, not only for some of the vessels, but also for a small part of the cargo of one of them; having never been enforced.

Finally, indemnity has actually been paid, since the restoration, for a considerable portion of one of the cargoes.

The house of Mr. Parish had, a short time after the arrival of the vessels, sold to Messrs. Fillietaz & Co., of Antwerp, 256 bales of cotton, part of the cargo of the ship *Hiram*. It being then confidently expected that the merchandise would be delivered to the parties, the sale was absolute, and at the risk of Mr. Fillietaz. He paid the purchase money, received a proper bill of sale, and became thus vested with all the rights of the original shipper, but without recourse against him or the consignees. He was disappointed in his expectation of receiving the merchandise thus purchased. His cotton shared the fate of the rest, and was sold in the same manner, and at the same time, for a sum exceeding 400,000 francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid in the Treasury. He applied for indemnity, as a subject or resident of Belgium, to the mixed commission, appointed under the treaties and conventions of Paris. His claim was allowed, and placed in the first class, that of cautionnements and depositories;* and he has received, in payment, an inscription of five per cent. consolidated French stock, amounting, in principal, to 495,760 francs, bearing interest from the 22d of March, 1819, together with 10,726 francs in specie, for arrears of interest, after deducting the commission expenses or charges.

It has now been fully demonstrated, not only that the claim is founded in strict justice; not only that the property was never confiscated, and that there never was any decision to that effect, either in that or similar cases; not only that, on the contrary, there have been positive decisions recognising the validity of the claim; but, also, that other foreigners, who had become owners of

part of it, have been indemnified by virtue of the treaties concluded between His Majesty's Government and foreign Powers. Permit me to add, that France has received, and continues to enjoy the benefit of, the money arising from the sales of the cargoes.

That money was paid in the Treasury, and applied towards defraying the public expenses of the State. Had it been restored to the legitimate owners, and not thus applied, those expenses would have been exactly the same. The only difference would have been that the large *arriere* left unpaid by Bonaparte, would have been still further increased precisely by the sum thus detained from the American citizens. With what good faith the whole of that *arriere*, without even excepting the expenses of the Hundred Days, has been liquidated and paid by His Majesty's Government, is well known. In fact, unless France sets up two measures, one for her own subjects and all other foreigners, and another for the citizens of the United States, it is impossible that she can refuse discharging this just debt.

I beg leave to apply, not only for that payment, but, also, for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced in the year 1817. The objection arising from the state of the finances, and from the enormous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has, in the mean while, been taken, for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice, when too tardy, often fails in its object. When it is known, as in this case, that such is the nature of the claim that it will ultimately be paid, intriguing speculators are never wanting, who try to take advantage of the distance and the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which, even when not actually tainted, never can avoid the suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject every indirect interference, that their claim was indisputable, and must necessarily be allowed. We employ, to attain that object, no other but direct means; no weapons but those of argument. I trust they will not have been used in vain, when the appeal is made to your known loyalty, to His Majesty's high sense of justice, to those principles of good faith, in discharging the obligations of the State, which, in every instance but that of the American claims, had uniformly distinguished his Government.

I request your Excellency to accept the reiterated assurances of the distinguished consideration with which I have the honor to be, &c.,

ALBERT GALLATIN.

Viscount DE MONTMORENCY,
Minister of Foreign Affairs, &c.

* Mr. Mertens, of Bruxelles, formerly a partner in the house of Mr. Ridgway, presented a claim to the same commission, for the whole amount which had been consigned to that house. His application was rejected on correct grounds; because, although himself a subject of Belgium, his house was American, and because they were only consignees, and not owners of the cargoes, the right to which, with the exception of the sale to Mr. Fillietaz, has remained the property of American citizens.

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No. 203.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, January 28, 1822.

"I had yesterday a conference with the Minister of Foreign Affairs, on the subject of the Antwerp claims. In the course of it, I referred him to my letters to one of his predecessors, of the 9th November, 1816, and of the 22d of April, 1817; to the first, in order that he might have a general view of the nature and extent of our claims; to the other, for the purpose of showing both the cause of the delay which had taken place on that subject, and that we had always considered the reclamations for property sequestered and not condemned, to be of such nature that the claims ought to be liquidated and paid in the ordinary course of business, and did not require any diplomatic transaction. I then stated, that although our commercial difficulties might have justly claimed the more immediate attention of the two Governments, yet there was this difference between the two subjects, that the last was only one of mutual convenience, each party being, after all, at liberty, though at the risk of encountering countervailing measures, to regulate his own commerce as he pleased; whilst the question of indemnity, for injuries sustained, was one of right. In this case we demanded justice, and I was sorry to be obliged to say, that, notwithstanding my repeated applications, during a period of near six years, I had not been able to obtain redress in one single instance for my fellow-citizens; an observation, which applied not only to cases which had arisen under the former Government of France, but also to wrongs sustained under that of His Majesty. Such result could not escape the notice of my Government, and had accordingly, been complained of, in the most pointed manner, in the instructions I had from time to time received. There was, indeed, an aggravating and most extraordinary circumstance, with respect to the applications relative to injuries sustained under Bonaparte's Government. Not only had I failed in obtaining redress, but I had not even been honored with an answer. It could not be concealed, that such a course of proceeding, on the part of France, had a tendency to impair the friendly relations between the two countries, and might have an unfavorable effect, even in the discussion of other subjects. I therefore earnestly requested that he would immediately attend to the reclamation now before him, and no longer delay the decision which we had a right to expect."

"Viscount Montmorency at once answered, that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. He regretted, he added, that the settlement of this reclamation should have fallen on the present Ministry; that a decision had not taken place in the year 1819; that such an objection as that complained of, had, at that time, been raised by the Ministry of Finances.

This candid declaration was made, he said, in full confidence that I would understand it as an opinion formed on a first impression, and as being only his individual opinion; he had not yet conferred on the subject with the Minister of Finances or his other colleagues, which he promised to do without delay, and to lay the subject before the King as soon as possible. Speaking of our claims generally, he alluded to the hardship that the King's Government should be made responsible for all the misdeeds of Bonaparte; an observation, to which I did not think necessary to answer, as he spoke only of the hardship of the case, and did not assert that the obligation did not exist."

No. 208.

Extract of a letter from Mr. Gallatin to Mr. Adams.

PARIS, April 23, 1822.

"In several conversations I had with Viscount de Montmorency, on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer; and finding that objections, which were not distinctly stated, were still made by the Department of Finances, I asked Mr. Montmorency's permission to confer on the subject with Mr. de Villele, in order that I might clearly understand what prospect there was of obtaining justice. This was readily assented to, and I had accordingly an interview yesterday with that Minister.

"I found that Mr. de Villele had only a general knowledge of the subject, and had not read my note of the 10th January last, to which I referred him, and which he promised to peruse with attention. It appeared, however, to me, that, although he was cautious not to commit himself, he was already satisfied, from the inspection of the papers in his Department, and without having seen my argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable.

"His objections to a payment of the claim at this time, supposing that on a thorough investigation it proved to be just, were the following:

"1st. There were no funds at his disposal, from which the payment could be made; and it was absolutely necessary that an application should be made to the Chambers for that purpose: a demand which would be very ill received, as it had been generally supposed that France was relieved from every foreign claim of that description.

"2d. Such was the amount of wrongs committed by Bonaparte, and the acknowledged impossibility that France could repair them all, that the European Powers, although with arms in their hands, and occupying a part of the country, had consented to receive, as a payment in full, a stipulated sum, which fell very short of the amount of their claims. The payments thus made by France, had therefore been in every instance the result of an agreement, (d'une transaction,) founded on equitable principles, and on an abandonment, on the part of the foreign Powers, of

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a considerable part of their claims. It appeared to him impossible that an application for funds could be made to the Chambers, for the purpose of satisfying American claims, unless it was also the result of a *transaction* of a similar nature.

"3d. Even in that case, the engagement to pay any sum at this time, for that object, would for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information, that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked, whether it was probable that the result of the negotiation at Washington would be known at Paris before the next session of the Chambers, which is to take place in June next.

"I must say, that these observations did not appear to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter, in any attempt to effect that object. It was not the less necessary to reply to the suggestions thus made: and I observed, with respect to the delays which had taken place, that they were to be ascribed solely to the French Government. It was in consequence of the determination of the Duke of Richelieu, and I referred to my letter to him of the 22d of April, 1817; it was against my opinion, and notwithstanding my strong remonstrances, that the subject had been postponed, and that provision was not made for our claims at the same time as for those of subjects of the European Powers. But I had taken care to remind the Duke of Richelieu, when the communication for the last object was made to the Legislative Body, that the American claims were not included in the settlement; and he had accordingly expressly stated in that communication, that the sum to be voted would discharge France from all demands on the part of the subjects of the European Powers. This was so well understood, that the subsequent grant of seven millions had been voted for the purpose of discharging the Algerine claims. Ours alone remained unsettled; and the Chambers must have expected, and could not therefore be astonished, that an application for that object should also be made to them.

"As to the propriety of a convention, for the general adjustment of the claims of American citizens, I informed Mr. de Villele, that this was precisely what the United States had asked; and I referred him to my note of the 9th November, 1816, which to this day remained unanswered. The extraordinary silence of the French Government, was at least a proof of its reluctance to adopt that mode of settlement, and there was an intrinsic difficulty in what he called a *transaction*. The United States could have no objection to a partial admission and reimbursement of the claims of their citizens; but they would not, in order to obtain that object, sacrifice other recla-

mations equally just, and give that general release which France was desirous to obtain, in consideration of that partial payment. Under these circumstances, it was a natural, and perhaps the most practicable, course to press a settlement of those claims, which it might be presumed she intended ultimately to pay. To repel this, on a plea that a convention, embracing the whole, was a preferable mode, was an untenable position, so long as our overture, having the last object in view, remained unanswered.

"After having expressed my sincere wishes, that an arrangement of our commercial difficulties might soon be effected, and having shown, from a recapitulation of what had taken place at the time, that the transfer of the negotiations, for that object, to Washington, was owing to the French Government, I stated that there was no connexion, whatever, between that and the subject of our claims, and that even when discussed at the same place, they had always been treated distinctly. Our reclamations were of much older date, and not to speak of the former Government of this country, they had, since the restoration, been pending near four years, before any discussion of our commercial relations had commenced. I was ready to acknowledge that it would be, at any time, an unpleasant duty for His Majesty's Ministers to be obliged to ask funds for the purpose of repairing the injuries sustained, during a former period, by the citizens of a foreign nation; and I was sensible that the task would be more easy after the settlement than during the existence of other difficulties. But justice, and our perseverance, on which he might rely, required that the duty, however unpleasant, should, at some time, be performed; and I was the less disposed to acquiesce in new and vexatious delays, on the ground alluded to, because the result of the negotiations was very uncertain. The delay, in that respect, was solely due to the French Government; they had thrown great obstacles in the way of an arrangement, by blending other subjects with that immediately to be attended to; afterwards, they became sensible, in the latter end of September last, that it was necessary to send new instructions to Mr. de Neuville. I had, in the month of October, made every representation, and given all the explanations which could be necessary; yet, the instructions to Mr. de Neuville were not, as I understood, sent till late in January, and had not yet, I believed, been received on the 12th of March. The success of the negotiation depended on the nature of those instructions, with which I was not acquainted. If they produced no favorable result, the consequence would only be, that the commerce between the two countries would be lessened, and flow through indirect channels—probably to our mutual loss, and to the profit of the British manufacturers and navigation. But, however this might be lamented, it was only a question of policy—each of the two nations had a right to regulate her commerce, as in her opinion best suited her interest. But, with respect to our claims, it was a question of right, the consideration of which ought not, and could not, be abandoned or post-

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poned, even if the commercial relations should continue to be less extensive and less advantageous than they had formerly been, or might again become, in case a satisfactory arrangement, respecting the discriminating duties, was made; whether the result of the negotiation would be known here in June, it was, of course, impossible for me to say.

“Mr. de Villele, having taken memoranda, and promised to read the notes to which I had alluded, asked me, whether there was any difference between Mr. Parish’s claim (meaning the three vessels consigned to his house) and that for the four other Antwerp ships? to which I answered, most decidedly, in the negative. He then, having the decree of the 22d of July, 1818, before him, inquired in what consisted the difference between the Antwerp claims and those for other property sequestered and embraced by the same decree, viz: the St. Sebastian seizures and the vessels given up by Holland. I answered—none, whatever, in substance, and that the reason why a specific application was made for the Antwerp claims, alone, in my letter of the 10th January last, was that, having already demanded indemnity for all the claims, particularly in my note of 9th November, 1816, the claimants, who relied on the exertions of their Government to obtain redress, had generally thought it unnecessary to make separate applications; Mr. Parish, however, being on the spot, had urged a special decision in his case, and my Government having, for the reasons already stated, acquiesced in that course, the Antwerp claims were, in that manner, first presented to the consideration of that of France. But, I had expressly stated in my note, that this was not, in any way, to be construed as an abandonment of other claims, equally just, although their features might not, in every respect, be precisely the same. Between the Antwerp and the other claims for property sequestered and not condemned, I knew none but merely nominal differences. The St. Sebastian vessels and cargoes had been seized and sold under an untenable and frivolous pretence, that of retaliation, to which a retrospective effect had been given. The Antwerp cargoes had been seized and sold, without any pretence whatever being assigned for it. In neither case had a condemnation taken place. In both cases we had always claimed restitution, or trial, before the ordinary competent tribunal. The right to ask for such trial was, in both cases, derived from the law of nations, and it was, for the Antwerp cargoes, also founded on positive treaty stipulations.”

Mr. Gallatin to the Secretary of State—No. 212.

PARIS, May 13, 1822.

SIR: I have the honor to enclose the copy of a letter I wrote, on the 3d instant, to Viscount Montmorency, on the subject of the Antwerp claims. He has promised an answer; but, as he spoke, though in vague terms, of objections, which it would be better to prevent, rather than to answer,

I asked him an interview, which is to take place on Saturday next.

I have the honor to be, &c.

ALBERT GALLATIN.

Mr. Gallatin to the Viscount Montmorency.

PARIS, May 3, 1822.

SIR: I had the honor, on the 10th of January last, to address to your Excellency a note, relative to the American cargoes sequestered at Antwerp. But, although the conversations I had since the honor to have with your Excellency on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, the note still remains unanswered.

It is my duty to remind, also, your Excellency, that all the former notes which I had the honor to address to His Majesty’s Ministers, either with respect to that reclamation, or, generally, on the subject of the American claims, and particularly the note of the 9th of November, 1816, have shared the same fate. That, on a subject so important, no official answer should, for such length of time, have been given to the earnest and repeated applications of a friendly Power; that, where favors are not asked, but justice is demanded, there should have been such a tacit perseverance in avoiding even to discuss the question, must be allowed a most uncommon proceeding in the intercourse between independent nations.

To these considerations I beg leave to add, that two American citizens, with powers from the owners of the greater part of the Antwerp cargoes, have been here for a length of time, one of them for a year, for the sole purpose of pursuing and liquidating that claim; and that they both unite in requesting that they may be no longer detained, and that, at all events, a decision may be made in that case.

Permit me, therefore, most earnestly to request from your Excellency, that no further delays may take place, and to ask that official answer, which I have never doubted, would, when made, prove satisfactory to the just expectation of the parties interested.

I request your Excellency to accept the renewed assurance of the distinguished consideration with which, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, No. 216, dated

PARIS, June 13, 1822.

“The conference I had, on the 18th ultimo, with Viscount de Montmorency, on the subject of the American claims, turned principally on the difficulties which this Government would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be, that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of the Uni-

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ted States for spoliations, and to be distributed by their Government; or, the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a Sovereign chosen by the two Governments."

"Although Mr. de Montmorency appeared to continue to be personally well disposed, he did not conceal that there were objections in the Council of Ministers; and he stated, a few days after, that they were inclined to postpone the subject, until the result of the negotiation at Washington was ascertained. I concluded, nevertheless, to insist for an answer to my last note, being satisfied that it would not amount to a rejection, which would have committed hereafter this Government, and that there would be some advantage in obtaining, at least, something more than verbal from them. The answer of the 1st instant, was accordingly received, copy of which is herewith enclosed. We had so many accounts of a near prospect of an arrangement being on the eve of being concluded, between you and Mr. de Neuville, that I waited a few days before I made a reply; but, having now heard of the adjournment of Congress, without any convention having been made, I this day have made the answer, of which I have the honor to enclose a copy."

[TRANSLATION.]

Viscount Montmorency to Mr. Gallatin.

PARIS, June 1, 1822.

SIR: I have received the letter which you did me the honor to write me on the 3d of May, relative to the American cargoes sequestered in the port of Anvers, and to the other claims which you have already heretofore laid before the Ministers of the King.

I could have wished, sir, to have been able to answer you sooner, and, especially, to have been able to welcome your demands; but I was under the necessity of first submitting them to the King, who is engaged in Council; His Majesty having nothing more at heart, than to see adjusted, in a proper and satisfactory manner, the affairs of mutual interest for both countries, and thus to multiply between them useful and amicable relations.

The object of your claims is, without doubt, interesting to a great number of individuals; and we have, also, individual claims to make, which are likewise of great interest to the subjects of the King, whom they concern. I would be first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and of America.

The King's Council has judged, that it was better to put off the examination of the individual claims, until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten, sir, to move, in the

King's Council, the examination of the claims which form the object of your letter of the 3d May. I have the honor, &c.

MONTMORENCY.

Mr. Gallatin to the Viscount Montmorency.

PARIS, June 23, 1822.

SIR: I had the honor to receive your Excellency's letter of the 1st instant, in answer to mine of the 3d of May, relative to the American reclamations.

It is satisfactory to find that the unfavorable suggestions heretofore made on that subject are no longer alluded to, and that the only reason assigned for its postponement is foreign to the merits of the claim. I had expected no less from the justice of His Majesty's Government. But this new delay is as vexatious as unexpected; and the grounds on which it is placed appear altogether untenable.

It will appear by my letter of the 22d of April, 1817, to his Excellency the Duke of Richelieu, that the magnitude of the claims made upon France by subjects of European Powers was the reason alleged at that time for postponing to a more favorable moment the discussion of the American claims in question. The Government of the United States, from the most friendly motives, though with great reluctance, acquiesced so far in that delay as to have abstained from pressing again the subject until the European claims had been arranged in a satisfactory manner. I made at that time, as will appear by my letter to the Duke of Richelieu of the 3d April, 1818, an unavailing effort to obtain a simultaneous and definitive arrangement of the American claims, as most consistent both with common justice and sound policy. And now, when the original cause of the postponement has ceased to exist; when the prosperous situation of the finances of France leaves no ground for the primitive objection; a new cause for delay is sought in circumstances of a subsequent date, and which are wholly unconnected with the subject in question. The consideration of American claims was adjourned on a presumed plea of temporary inability or inconvenience, early in 1817; and the commercial difficulties which it is the object of the pending negotiation at Washington to arrange did not arise till the year 1819. That the question of indemnity ought not to be made to depend on the fate of that negotiation is equally evident.

An arrangement which will restore to the navigation of America and France those advantages now enjoyed, to the exclusion of both, by foreign vessels, and which will have a tendency to extend the commercial and friendly relations between the two countries, is undoubtedly a most desirable object, and of the highest importance. But it is after all a question, not of right, but of policy. Either of the two Governments may, on that subject, make an erroneous determination; but each of them, should they not unfortunately be able to agree on that point, has ultimately the right to make its own commercial regulations, exposing

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itself without doubt to countervailing measures, but without giving thereby any just ground of complaint, or disturbing in other respects the harmony subsisting between the two nations. In fact that state of things exists to a much greater extent between France and many European Powers, particularly with Great Britain. The commerce between America and France, and which may be estimated to amount in value to about eighty millions of francs a year, may still be carried on in foreign vessels, or through indirect channels. Neither country has prohibited the importation of the products of the soil or industry of the other. The only question under discussion, and on which they may happen not to agree, is that of the navigation—that is to say, of the freight of the articles of exchange, which may in the whole be worth about three millions a year. But, from the respective prohibitions existing in France and England, it is not merely the navigation, but the commerce itself, between the two countries, which is so nearly annihilated as not to exceed twelve or fifteen millions a year. It has certainly in this case never been suggested that because each Government follows in that respect its own views, the other questions of right or general policy should on that account be suspended; that because a treaty of commerce may appear injurious to either of them, the other would for that reason be justified in refusing to do justice in other respects. The question of the indemnity claimed by the United States from France is one, not merely of policy, but of right. It will again revert, and with the same force, in case there should be no arrangement of the commercial difficulties. The foundation on which the demand rests cannot be affected by that result. France must still acknowledge or deny the justice of that claim. She is bound, in the first case, to grant the indemnity; in the other, to adduce satisfactory reasons for her denial.

I must beg leave to observe, that the object of these reclamations cannot be, and is not considered by the Government of the United States, as only affecting the interests of private individuals, but as an important subject of public concern. It is not for private contracts voluntarily entered into, or other claims of a similar nature; it is for numerous spoliations, committed not only contrary to every principle of common justice, but in violation of the acknowledged law of nations, and of positive treaty stipulations; it is for the most flagrant and continued infractions of their rights, as a neutral and independent nation, that the United States demand that, at least, a satisfactory indemnity should be made to her citizens for the losses thus suffered. The whole series of their public acts, at home and abroad, when those outrageous proceedings took place, and the peculiar circumstances, (arising from simultaneous aggressions on the part of England,) which alone prevented a resort to war, are facts of such notoriety, as to render it difficult to conceive how the subject can be viewed as of an inferior importance, and as only affecting private interests. If any further proof was required, in that respect, the 10th article of the treaty of the 16th of March, 1810, between France and

Holland, might be quoted. Certain American cargoes, which make part of our reclamations, were, by that treaty, put at the disposal of France, "in order," according to the said article, "that the same may be dealt with according to circumstances, and to the political relations between France and the United States."

Not knowing to what reclamations, by subjects of France against the United States, your Excellency alludes, I can only observe that, if there are any, respecting which a stipulation should be deemed necessary, it must of course be understood that every such stipulation will, in every respect, be reciprocal, and embrace, on both sides, all reclamations of a similar nature, and for the same period of time.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

VISCOUNT DE MONTMORENCY,
Minister of Foreign Affairs, &c.

No. 230.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated Paris, September 8, 1822.

"I had, on the 17th ultimo, written to Viscount Montmorency, and again on the 31st to Mr. de Villele, on the subject of our reclamations, only to remind them, that the late convention had removed the sole cause assigned for delay. I received, last night, Mr. de Villele's note of the 3d, of which copy is enclosed."

Mr. Gallatin to Mr. de Montmorency, dated 17th August, 1822.

I beg leave to call again your Excellency's attention to the American claims, for sequestrations and spoliations. The cause assigned by your Excellency, in your letter of the first of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your Excellency will be pleased to bring that important subject before the King's Council.

I request your Excellency to accept, &c.

[TRANSLATION.]

Extract of a letter from Mr. Gallatin to Mr. de Villele, dated Paris, August 31, 1822.

"Permit me to remind your Excellency, that the three last letters which I had the honor of addressing to his Excellency the Viscount de Montmorency, are still unanswered. The first, under the date of the 17th current, had, for its object, the different claims of citizens of the United States. The second, of the 20th, contained my observations on the project of an ordinance, necessary that the execution of the convention of 24th June may commence on the 1st of October next. The last, of the 27th, remonstrated against the conduct pursued by the local authorities, in regard to the American vessel the General Hamilton, thrown upon the coast, near Montreuil, on the sea."

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"I eagerly seize this occasion to beg your Excellency to be pleased to accept the assurance," &c.

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin, dated Sept. 3, 1822.

You did me the honor, on the 31st of August last, to remind me of several American claims, of which you had formerly apprized the Viscount de Montmorency. It is necessary for me to collect some documents respecting this affair, in order to judge of what consequences they may be susceptible. Be pleased to believe, sir, that I shall attend to them with a good deal of interest and attention. Accept, sir, the assurances, &c.

No. 233.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 24th September, 1822.

"I had yesterday a conference with Mr. Villele, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be, the reclamations of the United States for spoliations on their trade, those of France, on account of Beaumarchais' claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked, whether I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and, as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our claims, by connecting it with subjects foreign to them."

No. 236.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 13th November, 1822.

"I received, on the 18th instant, a letter from Mr. de Villele, of the 6th—copy of which is enclosed, together with that of my answer, of the 12th."

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin.

PARIS, November 6, 1822.

SIR: The Convention, concluded at Washington, on the 24th of June last, has removed the obstacles which have, momentarily, impeded the relations of commerce between France and the United States. Although this Convention is only temporary, it holds out the expectation of a treaty more extensive and more durable. It has left leisure proper for discussing and establishing this treaty, upon bases the most conformable to the

interest of the two States. Already the communications are re-opened, on both sides, on the most amicable footing. His Majesty has seen, with satisfaction, this happy effect of the arrangement concluded in his name, and in that of the United States.

If any partial difficulties still remain to be removed, they will be easily arranged between two Powers, who sincerely wish to establish their relations upon the most perfect equity.

In this spirit of reciprocal justice, I have received the claims which you have done me the honor to transmit to me, and without prejudging any thing in their regard, I must, first of all, sir, remark to you, that France has also claims pending, or to be produced, to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice, and of protection, to which the subjects of the two States have equally a right, that these affairs should be examined and arranged unanimously, by way of negotiation.

His Majesty's intention would be, that these claims and the other points in dispute, upon which the Convention, of 24th June, has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana, on the French commerce, contrary to the tenor of the 8th article of the treaty of cession.

You will only perceive, sir, in this intention of His Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding, or of complaints between the two States, and on the part of their respective subjects.

If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a negotiator, charged with treating with you.

If you were also authorized to sign a consular convention, the same Plenipotentiary would receive powers, *ad hoc*, for also pursuing the negotiation.

Accept, sir, the assurance of the high consideration, &c.

The Minister of Finance, charged, *ad-interim*, with the Portfolio of Foreign Affairs.

JH. DE VILLELE.

PARIS, November 12, 1822.

SIR: I had the honor to receive your Excellency's letter of the 6th instant.

I have special powers to negotiate a convention providing for the just claims of citizens of the United States against France; as, also, for the like claims of French subjects against the United States, with such person or persons as may have a like authority from His Most Christian Majesty.

As Minister of the United States, I am authorized to discuss the question respecting the construction of the 8th article of the Louisiana treaty, and to give and receive explanations on that subject. But the negotiation on that point having

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been transferred to Washington, no special powers in that respect have been transmitted to me. I had understood, in the course of the conference I had the honor to have with your Excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is, indeed, obvious, that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

All the representations which His Majesty's Government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question respecting the 8th article of the Louisiana treaty has, in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to His Majesty's Government for the settlement of claims to a vast amount, affecting the interest of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain to this day satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have at different times been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connexion with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should also be examined and discussed, and I trust that, since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay.

Permit me, at the same time, to renew to your Excellency the assurances that the United States have the most earnest desire that every subject of difference between the two countries should be amicably arranged, and their commercial and political relations placed on the most friendly and solid footing. They will be ready to open again negotiations on the subject of the 8th article of the Louisiana treaty, and on every other which remains to be adjusted, and will have no objection that the seat of those negotiations should be transferred from Washington to this place.

Although my powers to treat, respecting every

subject connected with the commerce of the two countries, may embrace that of a Consular Convention, yet, as this had not been contemplated by my Government, I am not at this time prepared to conclude an arrangement for that purpose.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex^{cy} COUNT DE VILLELE,
Charged with Dep. of Foreign Affairs, &c.

No. 237.

Mr. Gallatin to the Secretary of State.

PARIS, November 19, 1822.

SIR: I received last night, and have the honor to enclose, a copy of Mr. de Villele's answer (dated 15th instant,) to my letter of the 12th. You will perceive that, without taking any notice of the reasons I had urged, why a distinct negotiation should be immediately opened on the subject of the claims against both Governments, he insists that this shall be treated in connexion with the question respecting the construction of the 8th article of the Louisiana treaty. The object is too obvious to require any comments on my part, and this final decision leaves me no other course than to refer the whole to my Government.

I have honor to be, &c.

ALBERT GALLATIN.

[TRANSLATION.]

M. de Villele to Mr. Gallatin.

PARIS, November 15, 1822.

SIR: You did me the honor to announce to me, on the 12th of this month, that you were authorized to negotiate a convention, relative to the claims of Americans against France, and to those of France against the United States; but, that you had no power to enter upon a negotiation concerning the interpretation of the 8th article of the Louisiana treaty.

The discussions which have arisen upon this last point, between your Government and the King's Minister Plenipotentiary to the United States, having had no result, and this question being thus left undecided, it is both proper and just to resume the examination of it; it touches upon too great interests not to be treated with renewed attention, or to be abandoned.

If a new arrangement takes place for the claims, which are still in controversy, it ought to comprehend the whole, and the desire of the King's Government is not to leave any difficulty, any indecision remaining in the relations of the two countries.

It is for the same reason, sir, that I demanded, in the letter which I had the honor to address to you on the 6th of this month, that the negotiation to be opened on the respective claims should also include a consular convention.

If your powers for discussing these difficult points should not appear to you sufficiently extensive to make it the object of a negotiation, I think,

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sir, that you will deem it fit to ask of your Government supplementary authority, to come at an arrangement, which cannot be of the utility proposed by the two Governments unless it shall embrace all the questions and the claims which are still in dispute.

I can only refer, sir, on this subject, to the communications which I had the honor to make to you on the 6th of this month, and with which you have, doubtless, acquainted your Government.

Accept, sir, the assurance of my high consideration.

JH. DE VILLELE,
Minister of Finances, &c.

No. 250.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 27th February, 1823.

"The more I have reflected on the ground assumed by this Government, on the subject of our claims, and on the attempt to connect their discussion with the question arising under the 8th article of the Louisiana treaty, the more I have felt satisfied that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that the renewed discussion on that subject would be unprofitable, and lead to no result whatever. As a last, but I believe unavailing effort, I have concluded to express that conviction to the French Government, and have accordingly addressed, this day, to Mr. Chateaubriand, the letter of which I have the honor to enclose a copy."

PARIS, February 27, 1823.

SIR: I had the honor to receive his Excellency Count de Villele's letter, of the 15th November last, by which, notwithstanding the remonstrance contained in mine of the 12th, his Excellency, being at that time charged with the Department of Foreign Affairs, still insisted that the discussion of the claims of individuals of both nations upon the two Governments, respectively, should not take place, unless it was connected with a renewed negotiation on the 8th article of the Louisiana treaty.

A conversation I had the honor to have with his Excellency the Duke de Montmorency, after his return from Verona, induced me to hope, although he did not encourage any expectations of a different result, that he would, however, again lay the subject before His Majesty's Council of Ministers. This circumstance, the subsequent change in the Department of Foreign Affairs, and the objects of primary importance which have hitherto necessarily engrossed your Excellency's attention, have prevented an earlier official answer to his Excellency Count de Villele's letter.

It has, together with the others on the same subject, as he had naturally anticipated, been of course transmitted to my Government. But, on a review

of the correspondence of Mr. Adams with Mr. Hyde de Neuville, and with myself, I must express my perfect conviction, that the subject having been maturely examined, and thoroughly discussed, there cannot be the least expectation that the United States will alter their views of it, or acquiesce in the construction put by His Majesty's Minister on the 8th article of the Louisiana treaty.

It is not my intention, at this moment, to renew a discussion which seems to have been already exhausted; but I will beg leave, simply, to state the question to your Excellency.

It was agreed, by the article above-mentioned, that the ships of France should forever be treated upon the footing of the most favored nation in the ports of Louisiana.

Vessels of certain foreign nations being now treated in the ports of the United States, including those of Louisiana, on the same footing with American vessels, in consideration of the American vessels being treated in the ports of those nations on the same footing with their own vessels, France has required that French vessels should, by virtue of the said article, be treated, in the ports of Louisiana, on the same footing with the vessels of those nations, without allowing, on her part, the consideration, or reciprocal condition, by virtue of which those vessels are thus treated.

The United States contend that the right to be treated upon the footing of the most favored nation, when not otherwise defined, and when expressed only in those words, is that, and can only be that, of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. Setting aside every collateral matter and subsidiary argument, they say that the article in question, expressed as it is, can have no other meaning, is susceptible of no other construction, for this plain and incontrovertible reason: that, if the French vessels were allowed to receive, gratuitously, the same treatment which those of certain other nations receive, only in consideration of an equivalent, they would not be treated as the most favored nation, but more favorably than any other nation. And, since the article must necessarily have the meaning contended for by the United States, and no other, the omission or insertion of words to define it, is wholly immaterial, a definition being necessary only when the expressions used are of doubtful import, and the insertion of words to that effect in some other treaties, belonging to that class of explanatory but superfluous phrases of which instances are to be found in so many treaties.

It might, indeed, have, perhaps, been sufficient to say that, in point of fact, there was no most favored nation in the United States, the right enjoyed by the vessels of certain foreign nations to be treated in the ports of the United States as American vessels, in consideration of American vessels receiving a similar treatment in the ports of those nations, not being a favor but a mere act of reciprocity.

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Let me also observe that the pretension of France would, if admitted, leave no alternative to the United States than either to suffer the whole commerce between France and Louisiana to be carried exclusively in French vessels, or to renounce the right of making arrangements with other nations deemed essential to our prosperity, and having for object not to lay restrictions on commerce, but to remove them. If the meaning of the 8th article of the Louisiana treaty was such, indeed, as has been contended for on the part of France, the United States, bound to fulfil their engagements, must submit to the consequences, whatever these might be; but this having been proven not to be the case, the observation is made only to show that the United States never can, either for the sake of obtaining indemnities for her citizens, or from their anxious desire to settle, by conciliatory arrangements, all their differences with France, be brought to acquiesce in the erroneous construction put upon the article in question.

The proposal made by his Excellency Mr. de Villele, in his letter of the 6th of November, and reiterated in that of the 15th, can, therefore, have no other effect than to produce unnecessary delays, and would, if persisted in, be tantamount to an indefinite postponement of the examination and settlement of the claims of the citizens of the United States. It will remain for His Majesty's Government to decide whether this determination be consistent with justice, whether the reclamations of private individuals should be thus adjourned because the two Governments happen to differ in opinion on a subject altogether foreign to those claims. Having nothing to add to my reiterated and unavailing applications on that subject, my only object, at this moment, has been, to show that I cannot expect any instructions from my Government that will alter the state of the question.

I request your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

Viscount DE CHATEAUBRIAND,

Minister of Foreign Affairs, &c.

AFRICAN SLAVE TRADE.

[Communicated to the House, March 20, 1824.]

To the House of Representatives :

I transmit, herewith, to the House of Representatives a report from the Secretary of State, with the papers therein referred to, in compliance with a resolution of that House, of 27th January last.

JAMES MONROE.

WASHINGTON, March 19, 1824.

DEPARTMENT OF STATE,

Washington, March 18, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 27th of January last, requesting the

President to communicate to that House such part, as he may not deem inexpedient to divulge, of any correspondence or negotiation, which he may have instituted with any foreign Government since the 28th of February, 1823, in compliance with a request contained in a resolution of the same House of that date, relative to the denunciation of the African slave trade as piracy, has the honor to submit to the President copies of the correspondence requested.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

1. Mr. Canning to Mr. Adams, 29th January, 1823.
2. Mr. Adams to Mr. Canning, 31st March, 1823.
3. Mr. Canning to Mr. Adams, 8th April, 1823.
4. Mr. Adams to Mr. Canning, 24th June, 1823.
5. Mr. Adams to Mr. Nelson, (Extract,) 28th of April, 1823.
6. Same to Mr. Rodney, do., 17th May, 1823.
7. Same to Mr. Anderson, do., 27th May, 1823.
8. Same to Mr. Rush, with one enclosure; convention slave trade, (Extract,) 24th June, 1823.
9. Same to Mr. Middleton, (Copy,) 28th July, 1823.
10. Same to Mr. Everett, do., 8th August, 1823.
11. Same to General Dearborn, (Extract,) 14th August, 1823.
12. Mr. Rush to Mr. Adams, do., 9th October, 1823.
13. Mr. Sheldon to same, do., 16th October, 1823.
14. Same to same, with two enclosures; correspondence with Viscount Chateaubriand, (Extracts,) 5th November, 1823.
15. Mr. Everett to Mr. Adams, with two enclosures; correspondence with Baron Nagell, (Extracts,) 20th November, 1823.

Mr. Canning to Mr. Adams.

WASHINGTON, Jan. 29, 1823.

SIR: To the complete abolition of the African slave trade, Great Britain, as you are well aware, has long devoted her anxious and unremitting exertions; she availed herself, during war, of her belligerent rights, and extended dominion in the colonies, to put down the inhuman traffic; in peace, she has spared no labor, and shrunk from no sacrifice, to supply, by a general co-operation of the maritime Powers, whatever has been withdrawn from her peculiar control by the cessation of hostilities, and the colonial arrangements consequent on that event. It is matter of deep regret to His Majesty's Government, that the result of their exertions is far from corresponding either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives, to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavor for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing measures for the extermination of the slave trade,

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is solemnly acknowledged by the civilized world, this great object seems rather to elude the grasp than to approach its consummation. Great Britain perceives, in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled, by the noblest motives, to persevere in the cause of abolition, and mindful by what slow laborious steps the present point has been attained, she looks forward, through surrounding obstacles, to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling on Europe and America to join with them in the discharge of this sacred duty, His Majesty and his Ministers have appealed, sir, with the more confidence, to your Government, as the United States have long proclaimed their decided hostility to the slave trade, and are surpassed by no country in the vigor of their legislative enactments for its repression. The identity of principle existing on this subject between the two Governments, is distinctly recorded in the Treaty of Peace; and, in answer to every proposal which has since, by His Majesty's command, been addressed to your Cabinet, for redeeming that pledge, by a broad and effectual application of the principle, a fresh assurance has been given of the unceasing interest with which the United States continue to promote the cause of abolition. When, to this accord, in principle and sentiment, is added the conviction, avowed by both parties, that, in spite of laws and treaties, the accursed traffic still thrives, under the eyes of an indignant world, it would seem impossible that the two Powers should be long prevented from concerting a joint system of measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions, may have hitherto defeated this expectation, His Majesty's Ministers are still unwilling to despair of finding the United States at length prepared either to close with the system of concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both countries are responsible before God and man.

A deep sense of this duty, and a reliance, by no means relinquished, on the general disposition of the United States, have prompted the several communications on this question, which have been addressed to you at successive periods, either through me, or by means of the American Envoy in London. You will readily call to mind, sir, that, in the course of last Summer, I apprized you of the intention of His Majesty's Ministers to press for an early reconsideration of the subject, submitting whether it might not prove agreeable to the American Cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient proposal, originating with itself. I took occasion, in repeated conversations, to urge anew those various arguments which support and justify the opinion of His Majesty's Government; and I also placed in your hands the official papers,

then recently printed by order of Parliament, in further evidence of the extent to which the traffic in human beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of His Majesty's Ministers to examine, with respect and candor, whatever scheme of concert, if any, the American Cabinet might think proper to bring forward, as a substitute for theirs, you will remember how strongly I expressed my belief that the only effectual measure devised, or likely to be devised, was a mutual concession of the right of search. In the exercise of that right, under such guards, and with such limitations as may serve to tranquillize the most apprehensive and scrupulous minds, it is still conceived that the best and only cure for this intolerable mischief is to be found. You assured me, at a subsequent conference, that my representations had been duly submitted to the President. I wish it were in my power to add that the cause which I pleaded had prevailed.

From the printed documents which I had the honor of communicating to you, it appears that the French flag is more particularly employed to cover the illicit trade on the coast of Africa. It would, perhaps, be unfair to conclude that French property and French subjects are concerned to the full proportion in which the colors of that nation are used; but it is manifest that both are engaged in this commerce of blood to an extent which reflects discredit, if not on the motives of the French administration, at least on the efficiency of its measures; and makes it imperative on those Governments which are pledged to each other for the suppression of the slave trade, to declare their reprobation of what is, at best, a culpable remissness, and to omit nothing that may rouse the French Cabinet to a more active exercise of its authority.

It was a part of my instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of His Majesty's Ambassador at Paris might be attended with more effect, if the American Envoy at that Court were directed to concur with his Excellency in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this instruction. The answer which you returned in the name of the President, was unfavorable to the step I had suggested; and such was the result which it became my duty to announce to His Majesty's Secretary of State. But no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feelings of the French Government, you seemed to be equally convinced with myself.

The reasons, indeed, which you alleged for declining, at that time, to comply with a proposal no less simple in its nature than useful in its object, I understood to be rather of a temporary character; and, under this impression, I cannot but hope that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this question.

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In repeating, therefore, the invitation which I have already had the honor to convey to you on the part of His Majesty's Government, it only remains for me to request an early communication of the intentions at present entertained on this head by the Government of the United States.

I beg, sir, that you will accept the assurance of my distinguished consideration.

STRATFORD CANNING.

HON. JOHN QUINCY ADAMS,
Secretary of State, &c.

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,
Washington, March 31, 1823.

SIR: Your letter of the 29th of January was, immediately after being received, submitted to the consideration of the President of the United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of the United States, with which it regards every effort and proposal for the full and final suppression of the African slave trade; nor by any hesitation with regard to the decision which had already been formed and declared respecting the proposal of submitting the vessels and citizens of the United States to the search of foreign officers upon the high seas; but by an expectation that measures contemplated by the national House of Representatives might, before the close of the session of Congress, indicate to the Executive Government of this country, views upon which it would be enabled to substitute a proposal for accomplishing the total abolition of the traffic, more effectual to its purpose, and less liable to objections on other accounts than that to which the United States cannot be reconciled, of granting the right of search. These measures were matured in the branch of the Legislature where they originated, only at the very termination of the session; and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of the President that they would have obtained their sanction; and he has, therefore, no hesitation in acting, so far, upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union to join with other nations in the common engagement to pursue and to punish those who shall continue to practise this crime, so reprobated by the just and humane of every country, as enemies of the human race, and to fix them, irrevocably, in the class, and under the denomination, of pirates.

I have the honor of enclosing herewith a copy of the 4th and 5th sections of a law of the United States, passed on the 15th of May, 1820, by which it will be seen, that any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person *whatever*, being of the crew or ship's company of any ship or vessel, owned in whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, participating

in the slave trade, is declared to have incurred the penalties of piracy, and made liable to atone for the crime with his life. The legislation of a single nation can go no further, to mark its abhorrence of this traffic, or to deter the people subject to its laws, from contamination, by the practice of others.

If the inference in your letter of the 29th of January, from the documents to which it refers, be correct, that the French flag is more particularly employed to cover the illicit trade on the coast of Africa; and the conjecture likewise suggested in it, that this flag is used to cover the property and the persons of individuals bound to other allegiances, be well founded, this statute makes every citizen of the United States, concerned in such traffic, liable, if detected in it, to suffer an ignominious death. The code of Great Britain herself has, hitherto, no provision of equal severity in the pursuit of her subjects, even under the shelter of foreign banners, and to the covert of simulated papers and property.

I am directed by the President of the United States to propose, on their part, the adoption, by Great Britain, of the *principle* of this act; and to offer a mutual stipulation to annex the penalties of *piracy* to the offence of participating in the slave trade, by the citizens or subjects of the respective parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of a trial by mixed commissions, which would be rendered useless by it. Should it meet the approbation of your Government, it may be separately urged upon the adoption of France, and upon the other maritime Powers of Europe, in the manner most conducive to its ultimate success.

I have the honor of tendering to you the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Right Hon. STRATFORD CANNING,
Envoy Extraordinary, &c.

Mr. Canning to Mr. Adams.

WASHINGTON, April 8, 1823.

SIR: I have received your official letter, dated the 31st ultimo, in answer to that which I had the honor of addressing to you on the 29th of January; and, together with it, a transcript of the 4th and 5th sections of an act of Congress, approved the 15th of May, 1820.

From this communication I learn that the Government of the United States is willing to join with other Powers in declaring slave trade piracy under the law of nations, and treating the perpetrators of this crime as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain to the effect of carrying the principle just specified into immediate operation, reciprocally, as to their respective subjects or citizens; and, finally, that, as soon as this proposal shall be accepted by the British Government, the United States will be ready to concur in pressing its adoption on the Court of France and other maritime

Powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade, it is not difficult to foresee, that fresh sentiments of regret will be excited, by the unfavorable view which the American Administration continues to take of the principal measure suggested on the part of His Majesty. That measure, you are well aware, sir, is a mutual limited concession of the right of search; and though, as I have frequently stated, His Majesty's Government, in adopting it by treaty with several of the maritime Powers, and in recommending it with earnestness to the acceptance of others, particularly of the United States, have never opposed the consideration of any other plan brought forward as equally effective; yet, having from the first regarded it in conscience as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice or misconception. I therefore deem it of importance, on this occasion, to bring into one point of view the several limitations under which, it is conceived the right of search might be so exercised as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind the particular objections which have been urged against the interchange of a right of search; and for those, in their full extent, I can hardly be wrong in referring to your previous correspondence, since the last communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion.

In answer to that class of objections which relate to the mixed commissions established by treaty, between His Majesty and the Courts of Lisbon, Brussels, and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honor of confirming at the Department of State. It might be expected, that any arrangement for the adjudication of vessels engaged in the slave trade, independent of those tribunals, would either leave the detained vessels to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged. On the former supposition, it is not to be anticipated, that the United States could hesitate to admit the jurisdiction of a foreign Court of Admiralty, when sanctioned by mutual agreement, over the persons and property of citizens, abandoned to a pursuit, so flagrantly iniquitous, as to be classed by the Legislature of their country with crimes of the most heinous description; and which the American Government has declared its willingness to treat as piracy,

under the law of nations. Great Britain, for her part, desires no other than that any of her subjects who so far defy the laws, and dishonor the character of their country, as to engage in a trade of blood, proscribed not more by the acts of the Legislature, than by the national feeling, should be detected and brought to justice, even by foreign hands, and from under the protection of her flag. In either of the supposed cases, it is clear that all impediments connected with the forms of proceeding, and peculiar construction of the mixed commissions, would be completely avoided; and, with respect to any embarrassment attending the disposal of condemned vessels and liberated slaves, it has already been suggested by a committee of the House of Representatives, that the provisions of the act of Congress, passed the 3d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connexion with the mixed commissions, every Constitutional objection, arising out of their alleged incompatibility with the institutions of the United States, is at once removed from consideration. The remaining obstacles may be reduced under the following heads: the unpopularity of the right of search in this country; its tendency, if mutually employed, to produce an unfriendly collision between the two nations; and a certain supposed inequality, which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few vessels, under American colors, have been discovered, for some time past, on the coast of Africa, it requires but little reflection to prove, that no conclusive inference can be drawn from that circumstance. Not to dwell upon the extent and nature of the slave coast, peculiarly favorable to the concealment of trading vessels, it must be remembered that the United States have maintained, at no time, a greater number of cruisers than two, rarely more than one, and latterly, during several months together, no ship-of-war, whatever, on the African station. As late as the 14th of January, 1822, it was stated, officially, by the Governor of Sierra Leone, "that the fine rivers Nunez and Pongas, were entirely under the control of renegade European and American slave traders."

But, if it were even manifest, that the active and judicious exertions of your naval officers, in that quarter, had really effected a total disuse of the American flag in slave trading, the right of search would still be most highly desirable, in order to secure and extend so important an advantage. As an example, indeed, to other Powers, particularly to France, whose subjects, encouraged by the loose and equivocal measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned, to a deplorable degree, in this atrocious commerce, the concurrence of the United States in a system, of which the very first result is to augment considerably the means of bringing offenders to justice, can hardly be rated at too high a value. The example which they are called

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upon to give, is not merely due to the claims of humanity; Great Britain and the United States are not only pledged to put down the slave trade within the limits of their immediate jurisdiction; they are also bound, by solemn obligations, to employ their utmost endeavors for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigor of legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the slave merchant. It is facility of escaping detection, and not any want of severity in the punishment attached to a violation of their laws, which, as far as they are concerned, requires a more decisive remedy; and, a remedy adequate to the evil, can only be found in such measures as will strip the illicit trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of search, at sea, the means unavoidably employed in the commission of this crime are fortunately, it may be said providentially, of such a nature, as in general to furnish a plain substantial body of proof, for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the friendly relations subsisting between the two countries would be endangered by the admission of a practice which, in their opinion, must necessarily produce a vexatious exercise of authority on the part of the searching officer, and frequent complaints on that of the merchant, whose vessel is subjected to search, with the supposed aggravation of an unequal pressure on one of the contracting parties, His Majesty's Government would, doubtless, agree to confine the right of visit to a fixed number of cruisers on each side; restricted, in the performance of this duty, to certain specified parts of the ocean, and acting under regulations, prepared, by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary; adopted, in the first instance, for a short period, and only to be continued in the event of its being found on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would, at least, be insured, to any objectionable result attending its operation; and, for the sake of interests as dear to humanity, an experiment, of which the advantage, as to its main object, is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively national.

Supposing that inconvenience should be found, in practice, to press unequally on either of the two parties, Great Britain, and not the United States, is most likely to have cause of complaint, inasmuch as the greater extent of her trade, especially on the coast of Africa, must naturally expose her, in a greater degree, to any injurious consequences of the agreement. Great Britain, however, is less disposed to shrink from any sacrifice, by which she can materially advance the sacred cause of abolition, than to lament, and, if possible, to dis-

pel those mistaken notions, and unfounded jealousies, which deprive her exertions of their full effect, and serve, but too successfully, to protract the existence of a mischief, which all unite in deploring. In point of principle, the honor of neither flag would be tarnished, by having its protection withdrawn for a season from those who perpetrate the atrocities of the slave trade; and permit me, sir, to add, that what Great Britain is ready to allow, in a matter so vital to her pride and to her power, may surely be allowed, reciprocally, by any other nation, however scrupulous in the maintenance of its maritime independence.

That an agreement between our respective cabinets, founded on a mutual right of search, thus guarded and explained, would fail to obtain the consent of the American Senate, or that a nation so inquiring and enlightened as the United States, would confound the proposed measures with that practice, which afforded matter of painful contention during the last wars in Europe, is what I am extremely unwilling to anticipate. The two objects are, in fact, so totally distinct from each other, in principle, purpose, and mode of execution, that the proposal of the British Government need only be presented to the examination, I will not say of a select and experienced assembly, but of the people at large, in order to be seen in its true bearings.

So far is the British proposal from tending to commit the American Government on the long disputed question of the belligerent right of search, that, if it may be supposed to touch that question at all, it appears rather to operate in the sense of the United States, than unfavorably for their view of the subject.

The officers intrusted on either side with the duty of examining suspected vessels, would necessarily act under instructions calculated to insure a perfect harmony between the principle and the application of this conceded right; nor is it to be feared that they would presume, in any case, to extend the visit thus authorized at sea, beyond the particular and specified object to which it is meant to be confined.

I have the honor to request, sir, that you will again accept the assurance of my highest consideration.

STRATFORD CANNING.

Hon. J. Q. ADAMS, *Sec'y State, &c.*

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,
Washington, June 24, 1823.

SIR: In the letter which I had the honor of addressing you, on the 31st of March last, a proposal was made, to be submitted to the consideration of your Government, that the *principle* assumed in an act of the Congress of the United States, of 15th May, 1820, of considering and punishing the African slave trade as *piracy*, should be adopted as the basis of a stipulation by treaty between the United States and Great Britain; and to be urged separately upon the adoption of France, and upon the other maritime nations of Europe,

in the manner most conducive to its ultimate success. It was observed that this offer was presented as a substitute for that of conceding a mutual right of search, and a trial by mixed commissions, to which the United States could not be reconciled, and which would be rendered useless by it.

Your letter of the 8th of April, to which I have now the honor to reply, intimates that His Majesty's Government will be disposed to receive this offer only as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade; and that, although they have never opposed the consideration of any other plan, brought forward as equally effective, yet, having from the first regarded a mutual limited concession of the right of search, as the *only* true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavorable view still taken of it by the Government of the United States. Your letter, therefore, urges a reconsideration of the proposal for this mutual right of search, and, by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it as insuperable, while it offers argumentative answers to the others which had been disclosed in my previous communications on this subject to you.

In the treaties of Great Britain with Spain, Portugal, and the Netherlands, for the suppression of the slave trade, heretofore communicated, with the invitation to the United States to enter into similar engagements, three principles were involved, to neither of which the Government of the United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of peace, over merchant vessels, on the coast of Africa. The second was, the exercise of that right even over vessels under *convoy* of the public officers of their own nation; and the third was, the trial of the captured vessels by mixed commissions in colonial settlements, under no subordination to the ordinary judicial tribunals of the country to which the party brought before them for trial should belong. In the course of the correspondence relating to these proposals, it has been suggested that a substitute for the trial by mixed commissions might be agreed to; and, in your letter of the 8th of April, an *expectation* is authorized, that an arrangement for the adjudication of the vessels detained, might leave them to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged; to the former alternative, of which you anticipate the unhesitating admission of the United States, in consideration of the aggravated nature of the crime, as acknowledged by their laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign* that the objection was taken to the trial by mixed commissions; and if it transcended the Constitutional authority of the Government of

the United States to subject the persons, property, and reputation of their citizens, to the decisions of a court partly composed of their own countrymen, it might seem needless to remark, that the Constitutional objection could not diminish in proportion as its cause should increase, or that the Power incompetent to make American citizens amenable to a court consisting one-half of foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of tribunals entirely *foreign*. I would further remark, that the sentence of a Court of Admiralty in the country of the captor, is not the *ordinary way* by which the merchant vessels of one nation, taken on the high seas by the officers of another, are tried in time of peace. There is, in the ordinary way, no right whatever existing, to take, to search, or even to board them; and I take this occasion to express the great satisfaction with which we have seen this principle solemnly recognised by the recent decision of a British Court of Admiralty. Nor is the aggravation of the crime for the trial of which a tribunal may be instituted, a cogent motive for assenting to the principle of subjecting American citizens, their rights and interests, to the decision of foreign courts; for, although Great Britain, as you remark, may be willing to abandon those of her subjects who defy the laws and tarnish the character of their country, by participating in this trade, to the dispensation of justice even by foreign hands, the United States are bound to remember that the power which enables a court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of *guilt* or innocence is that which the protecting care of their Constitution has reserved for the citizens of this Union, to the exclusive decision of their own countrymen. This principle has not been departed from by the statute which has branded the slave trader with the name, and doomed him to the punishment of a pirate. The distinction between *piracy* by the law of nations, and *piracy* by statute, is well known and understood in Great Britain; and while the former subjects the transgressor guilty of it to the jurisdiction of any and every country into which he may be brought, or wherein he may be taken, the latter forms a part of the municipal criminal code of the country where it is enacted, and can be tried only by its own courts.

There remains the suggestion that the slave trader, captured under the mutual concession of the power to make the capture, might be delivered over to the jurisdiction of his own country. This arrangement would not be liable to the Constitutional objection which must ever apply to the jurisdiction of the mixed commission, or of the admiralty courts of the captor. And if your note is to be understood as presenting it in the character of an alternative, to which your Government is disposed to accede, I am authorized to say that the President considers it as sufficient to remove the insuperable obstacle which had precluded the assent of the United States to the former proposals of your Government, resulting from the char-

acter and composition of the tribunals to whom the question of guilt or innocence was to be committed.

The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed by the introduction of the principle that neither of them should be exercised, but under the responsibility of the captor to the tribunals of the captured party, in damages and costs. This guard against the abuses of a power so liable to abuse would be indispensable; but if the provisions necessary for securing effectually its practical operation would reduce the right itself to a power merely nominal, the stipulation of it in a treaty would serve rather to mark the sacrifice of a great and precious principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed to the concession desired, of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this country, and of those to whom its interests are intrusted in the department of this Government, the sanction of which is required for the ratification of treaties. The irritating tendency of the practice of search, and the inequalities of its present operation, were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives, or remedies for anticipated abuses, in your letter. But the source and foundation of all these objections was in our former correspondence scarcely mentioned, and never discussed. They consist in the nature of the right of search at sea, which, as recognised or tolerated by the usage of nations, is a right exclusively of *war*, never exercised but by an outrage upon the rights of *peace*. It is an act analogous to that of searching the dwelling-houses of individuals on the land. The vessel of the navigator is his dwelling-house, and like that, in the sentiment of every people that cherishes the blessings of personal liberty and security, ought to be a sanctuary inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at sea, as recognised by all maritime nations, is confined to the single object of finding and taking contraband of war. By the law of nature, when two nations conflict together in war, a third (remaining neutral) retains all its rights of peace and friendly intercourse with both. Each belligerent, indeed, acquires by war the right of preventing a third party from administering to his enemy the direct and immediate materials of war; and, as incidental to this right, that of searching the merchant vessels of the neutral on the high seas to find them. Even thus limited, it is an act of power which nothing but necessity can justify, inasmuch as it cannot be exercised, but by carrying the evils of war into the abodes of peace, and by visiting the innocent with some of the penalties of guilt. Among the modern maritime nations an *usage* has crept in, not founded upon the law of nature—never universally admitted—often successfully re-

sisted—and against which all have occasionally borne testimony, by renouncing it in treaties—of extending this practice of search and seizure to *all* the property of the enemy in the vessel of the friend. The practice was, in its origin, evidently an abusive and wrongful extension of the search for contraband, effected by the belligerent, because he was armed; submitted to by the neutral, because he was defenceless; and acquiesced in by his Sovereign, for the sake of preserving a remnant of peace, rather than become himself a party to the war. Having thus occasionally been practised by all as belligerents, and submitted to by all as neutrals, it has acquired the force of an usage, which, at the occurrence of every war, the belligerent may enforce or relinquish, and which the neutral may suffer or resist at their respective options.

This search for, and seizure of, the property of an enemy in the vessel of a friend, is a relic of the barbarous warfare of barbarous ages; the cruel, and, for the most part, now exploded system of private war. As it concerns the enemy himself, it is inconsistent with that mitigated usage of modern wars, which respects the private property of individuals on the land. As relates to the neutral, it is a violation of his natural right to pursue, unmolested, his peaceful commercial intercourse with his friend. Invidious as is its character, in both these aspects, it has other essential characteristics, equally obnoxious. It is an uncontrolled exercise of authority, by a man in arms, over a man without defence; by an officer of one nation over the citizen of another; by a man intent upon the annoyance of his enemy, responsible, for the act of search, to no tribunal, and always prompted to balance the disappointment of a fruitless search, by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which the United States experienced, when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object, which both nations have equally at heart, it is desirable to avoid every topic which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the right of search, as recognised by the law of nations, and exercised by belligerent Powers, it is due to candor to state, that my Government has an insuperable objection to its extension by treaty, in any manner whatever, lest it might lead to consequences still more injurious to the United States, and especially in the circumstance alluded to. That the proposed extension will operate, in time of peace, and derive its sanction from compact, presents no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles

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of that right, is disapproved. If the freedom of the sea is abridged by compact for any new purpose, the example may lead to other changes. And if its operation is extended to a time of peace, as well as of war, a new system will be commenced for the dominion of the sea, which may, eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of peace and of war, and of rights applicable to each State.

The United States have, on great consideration, thought it most advisable to consider this trade as piracy, and to treat it as such. They have thought that the trade itself might, with great propriety, be placed in that class of offences; and that, by placing it there, we should more effectually accomplish the great object of suppressing the trade, than by any other measure which we could adopt.

To this measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an offence against the human race, has its well known incidents of capture and punishment by death, by the people and tribunals of every country. By making this trade piratical, it is the nature of the crime which draws after it the necessary consequences of capture and punishment. The United States have done this by an act of Congress, in relation to themselves. They have, also, evinced their willingness, and expressed their desire, that the change should become general, by the consent of every other Power, whereby it would be made the law of nations. Till then, they are bound, by the injunctions of their Constitution, to execute it, so far as it respects the punishment of their own citizens, by their own tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate, to a certain extent, with other Powers, to insure a more complete effect to their respective acts; they placing themselves, severally, on the same ground, by legislative provisions. It is in this spirit, and for this purpose, that I have made to you the proposition under consideration.

By making the slave trade piratical, and attaching to it the punishment, as well as the odium, incident to that crime, it is believed that much has been done by the United States to suppress it in their vessels and by their citizens. If your Government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention and command the respect of all her European neighbors. It is the opinion of the United States that no measure, short of that proposed, will accomplish the object so much desired; and it is the earnest desire of my Government, that the Government of His Britannic Majesty may co-operate in carrying it into effect.

I pray you, sir, to accept the renewed assurances of my distinguished consideration.

JOHN Q. ADAMS.

Right Hon. STRATFORD CANNING,
Envoy Extraordinary, &c.

Extract of a letter from Mr. Adams to Mr. Nelson,
dated

DEPARTMENT OF STATE,
Washington, April 28, 1823.

"A resolution of the House of Representatives, at the last session of Congress, requests the President to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world. You will take an early opportunity to make known this disposition to the Spanish Government; communicating to them copies of the fourth and fifth sections of the act of 3d March, 1819, which declares this traffic piratical when pursued by citizens of the United States; and you will express the willingness of the American Government to enter into negotiations for the purpose of declaring it so, by the common consent of nations."

Extract of a letter from Mr. Adams to Mr. Rodney,
dated

DEPARTMENT OF STATE,
Washington, May 17, 1823.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and prosecute, from time to time, such negotiations, with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of the object, proposed by this resolution, you will communicate to the Government of Buenos Ayres, copies of the several acts of Congress, for the suppression of the slave trade, of the 20th of April, 1818; (U. S. Laws, vol. 6, page 325;) 3d March, 1819, (page 435,) and of 15th May, 1820, (page 529;) pointing their attention, particularly, to the fourth and fifth sections of the list, which subject to the penalties of piracy every citizen of the United States, guilty of active participation in the African slave trade. The adoption of this principle, in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade. But, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect might be agreed to, by treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added, some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his power."

Extract from the General Instructions to Richard C. Anderson, appointed Minister Plenipotentiary to the Republic of Colombia, dated

DEPARTMENT OF STATE,
Washington, May 27, 1824.

"A resolution of the House of Representatives,

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at the late session of Congress, requests the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of this subject, you will communicate to the Colombian Government copies of the several acts of our Congress for the suppression of the slave trade, of the 20th of April, 1818, (U. S. Laws, vol. vi. p. 325,) of 3d March, 1819, (p. 435,) and of 15th May, 1820, (page 529,) pointing their attention particularly to the 4th and 5th sections of the last, which subject to the penalties of piracy every citizen of the United States guilty of active participation in the African slave trade. The adoption of this principle in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade; but, as it would yet not authorize the armed vessels of any one nation to capture those of another engaged in the trade, a stipulation to that effect may be agreed to by the treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his powers."

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE,
Washington, June 24, 1823.

"A resolution of the House of Representatives, almost unanimously adopted at the close of the last session of Congress, requested 'the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.'

"At the two preceding sessions of Congress, committees of the House had proposed a resolution, expressed in more general terms, that 'the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime Powers of Europe, for the effectual abolition of the African slave trade;' and this resolution had, in each case, been the conclusion of a report, recommending that the United States should accede to the proposal of a mutual and qualified concession of the right of search. The sentiments of the committee were, in this respect, different from those which had been expressed by the Executive Department of the Government, in its previous correspondence with that of Great Britain. No decision, by the House of Representatives, was made upon these resolutions, proposed at the preceding sessions; but, upon the adoption of that

which did pass at the last session, it was well ascertained, that the sentiments of the House, in regard to the right of search, coincided with those of the Executive; for they explicitly rejected an amendment which was moved to the resolution, and which would have expressed an opinion of the House, favorable to the mutual concession of that right.

"You have been fully informed of the correspondence between the Governments of the United States and of Great Britain concerning the suppression of the slave trade heretofore; and have been, from time to time, effectually instrumental to it yourself. You are aware of the grounds upon which the proposals, on the part of Great Britain, that the United States should accede to the stipulations similar to those which she had succeeded in obtaining from Spain, Portugal, and the Netherlands, were on our part declined.

"The subject was resumed by the British Minister residing here, Mr. S. Canning, a short time before the decease of the Marquis of Londonderry. It was suggested that, since the total disappearance of the British and American flags, as well as of those of the nations which had consented to put the execution of their laws against the trade under the superintendence of British naval officers, it continued to flourish under that of France; that her laws, though in word and appearance equally severe in proscribing the traffic, were so remiss in the essential point of execution, that their effect was rather to encourage than to suppress it; and the American Government was urged to join in friendly representations to that of France, by instructing the Minister of the United States at Paris to concur in those which the British Ambassador at that Court had been charged with making, to insure a more vigilant fulfilment of the prohibitory laws. This invitation, at that time given only in oral conference, was also declined, from an impression that such a concurrence might give umbrage to the French Government, and tend rather to irritation than to the accomplishment of the object for which it was desired. Mr. Gallatin was, nevertheless, instructed separately to bring the subject to the notice of the French Government, and did so, by a note communicating to them copies of the recent laws of the United States for the suppression of the trade, and particularly of that by which it has subjected every citizen of the United States, who, after the passage of the law, should be polluted with it, to the penalties of piracy.

"On the 29th of January last, Mr. Canning, in a letter to this Department, repeated the invitation of a joint and concurrent remonstrance, to be made by the British Ambassador, and our Minister in France; and at the same time called, with great earnestness, upon the Government of the United States, either to accede to the principle of the mutual and qualified right of search, emphatically pronounced, in his belief, to be the only effectual measure devised, or likely to be devised, 'for the accomplishment of the end, or to bring forward some other scheme of concert,' which it again declared the readiness of His Majesty's

Minister to examine with respect and candor, as a substitute for that of the British Cabinet.

"However discouraging this call for an alternative might be, thus coupled as it was with so decisive a declaration of belief, that no effectual alternative had been, or was likely to be, devised, an opportunity was offered, in pursuance of the resolution of the House of Representatives, adopted at the close of the late session of Congress, for proposing a substitute, in our belief more effectual than the right of search could be, for the total and final suppression of this nefarious trade, and less liable either to objections of principle, or to abuses of practice.

"This proposition was accordingly made in my letter to Mr. Canning of the 31st of March last, to which his letter of the 8th of April was the answer. In this answer, Mr. Canning barely notices our proposition to express an opinion that his Government will see in it nothing but an acknowledgment of the necessity of further and more effectual measures, and then proceeds with an elaborate review of all the objections which, in the previous correspondence between the two Governments, had been taken on our part to the British connected proposal of a mutual right of search, and a trial by mixed commissions. Our objection had been of two kinds; first, to the mixed commissions, as inconsistent with our Constitution; and secondly, to the right of search, as a dangerous precedent, liable to abuse, and odious to the feelings and recollections of our country.

"In this letter of Mr. Canning, the proposal of trial by mixed commissions, is formally withdrawn, and an alternative presented as practicable, one side of which only, and that the inadmissible side, is distinctly offered, namely, of trial by the courts of the captor. The other side of the alternative would, indeed, remove our Constitutional objection, and with it might furnish the means of removing the principal inherent objection to the concession of the right of search, that by which the searching officer is under no responsible control for that act.

"But, in our previous correspondence, our strong repugnance to the right of search had been adverted to, merely as a matter of fact, without tracing it to its source, or referring to its causes. The object of this forbearance had been to avoid all unnecessary collision with feelings and opinions, which were not the same on the part of Great Britain and upon ours. They had been willingly left undiscussed. This letter of Mr. Canning, however, professedly reviewing all the previous correspondence, for the removal or avoidance of our objections, and contesting the analogy between the right of search, as it had been found obnoxious to us, and as now proposed for our adoption by formal compact, I have been under the absolute necessity of pointing out the analogies really existing between them, and of showing that, as right of search, independent of the right of capture, and irresponsible, or responsible only to the tribunals of the captor, it is, as proposed, essentially, liable to the same objections, as it had been, when exercised as a belligerent right. Its encroaching character,

founded in its nature as an irresponsible exercise of force, and exemplified in its extension from search for contraband of war, to search for enemies' property, and thence to search for men of the searcher's own nation, was thus necessarily brought into view, and connected the exhibition of the evils inherent in the practice, with that of the abuses which have been found inseparable from it.

"We have declared the slave trade, so far as it may be pursued by citizens of the United States, piracy; and, as such, made it punishable with death. The resolution of the House of Representatives recommends negotiation, to obtain the consent of the civilized world to recognise it as piracy, under the law of nations. One of the properties of that description of piracies is, that those who are guilty of it may be taken up on the high seas, and tried by the courts of every nation. But, by the prevailing customary law, they are tried only by the tribunals of the nation to which the vessel belongs in which the piracy was committed. The crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the laws of the European nations with regard to this point, of which we have had remarkable and decisive proof within these five years, in the case of piracy and murder, committed on board the schooner *Plattsburg*, a merchant vessel of the United States. Nearly the whole of her crew were implicated in the crime, which was committed on the high seas. They carried the vessel into Christiansand, in Norway, there abandoned her, and dispersed; three of them were taken up in Denmark, one in Sweden, one at Dantzic, in Prussia, and one in France. Those taken up in Denmark, and in Sweden, were delivered up to officers of the United States, brought to this country, tried, convicted, and executed. The man taken at Dantzic, was, by the consent of the Prussian Government, sent to *Elseneur*, and there confronted with those taken in Denmark. The evidence against him on the examination was decisive, but, as he persisted in the refusal to confess his guilt, the Prussian Government, bound by an established maxim of their municipal law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzic, there to remain imprisoned for life. The French Government, upon advisement of the highest judicial authority of the Kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the place where he was confined; with which condition, it not having been in our power to comply, the man remained there, also in prison, presumably for life. From these incidents, it is apparent that there is no uniformity in the modes of trial, to which piracy, by the law of nations, is subjected in different European countries; but that the trial itself is considered as the right and the duty only of the nation to which the vessel belongs, on board of which the piracy was committed. This was, however, a piracy, committed on board of a vessel by its own crew. External piracies, or piracies committed by, and from one vessel against another, may be tried by the courts

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of any country, but are more usually tried by those of the country whose vessels have been the sufferers of the piracy, as many of the Cuba pirates have been tried in the British West India islands, and some of them in our courts.

"This principle we should wish to introduce into the system, by which the slave trade should be recognised as piracy under the law of nations; namely, that, although seizable by the officers and authorities of every nation, they should be triable only by the tribunals of the country of the slave-trading vessel. This provision is indispensable to guard the innocent navigator against vexatious detentions, and all the evils of arbitrary search. In committing to foreign officers the power, even in a case of conventional piracy, of arresting, confining, and delivering over for trial, a citizen of the United States, we feel the necessity of guarding his rights from all abuses, and from the application of any laws of a country other than his own.

"The draught of a convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a legislative prohibition of the slave trade by both parties, under the penalties of piracy, you are authorized to propose and to conclude. These articles, however, are not offered to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted on as indispensable, if others equally adapted to answer their purposes should be proposed. It is only from the consideration of the crime in the character of piracy, that we can admit the visitation of our merchant vessels by foreign officers for any purpose whatever, and in that case only under the most effective responsibility of the officer for the act of visitation itself and for every thing done under it.

"If the sentiments of the British Government should be averse to the principle of declaring the trade itself, by a legislative act, piratical, you will not propose, or communicate to them, the enclosed project of convention. Its objects, you will distinctly understand, are two-fold; to carry into effect the resolution of the House of Representatives; and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the proposals pressed by them upon us, of conceding a mutual and qualified right of search, we should offer a substitute for their consideration. The substitute, by declaring the crime piracy, carries with it the right of search for the pirates, existing in the very nature of the crime. But, to the concession of the right of search, distinct from the denomination of the crime, our objections remain in all their original force.

"It has been intimated by Mr. S. Canning, that the suggestion itself, to the British Government, of the propriety of their passing a legislative act, might excite in them some repugnancy to it. We should regret the excitement of this feeling, which the very nature of the negotiation seems to foreclose. Besides the legislative enactments which have virtually been pressed upon us, by all the invitations to concede the right of search, and

to subject our citizens to trial for violations of our own laws, by foreign tribunals, Great Britain, in almost all her slave-trade treaties, has required, and obtained, express stipulations, for the enactment of prohibitory laws, by France, Spain, Portugal, and the Netherlands. It was not expected that she would receive with reluctance, herself, a mere invitation to that which she had freely and expressly required from others. Still, if the sentiment should exist, we would forbear pressing it to the point of irritation, by importunity. You will, in the first instance, simply state, that, if the British Government is prepared to proclaim the slave trade piracy, by statute, you are authorized to propose and to conclude a convention, by which the mutual co-operation of the naval force of Great Britain and of the United States may be secured, for carrying into effect the law, which, on that contingency, will be common to both. Should the obstacle to the preliminary prove insuperable, you will refer the objections, on the part of the British Cabinet, to this Government, for consideration.

"By the loose information hitherto communicated in the public journals, it would seem that the proposition for recognising the slave trade as piracy, by the Law of Nations, was discussed at the Congress of Verona. We are expecting the communication of the papers relating to this subject, promised by Lord Liverpool to be laid before Parliament. Heretofore, although the United States have been much solicited and urged to concur in the measures of Great Britain and her allies, for the suppression of the trade, they have been always communicated to us as purposes consummated, to which the accession of the United States was desired. From the general policy of avoiding to intermeddle in European affairs, we have acquiesced in this course of proceeding; but, to carry fully into effect the late resolution of the House of Representatives, and to pursue the discussions, hereafter, with Great Britain herself, whether upon her proposals or upon ours, it is obviously proper that communication should be made to us of the progress of European negotiation, for accomplishing the common purpose, while it is in deliberation. If we are to co-operate in the result, it is just that we should be consulted, at least, with regard to the means which we are invited to adopt."

SUPPRESSION OF THE SLAVE TRADE.

A Convention for the suppression of Piracy, committed by the African Slave Trade.

ARTICLE 1. The two high contracting Powers, having each separately, by its own laws, subjected their subjects and citizens, who may be convicted of carrying on the illicit traffic in slaves on the coast of Africa, to the penalties of piracy, do hereby agree to use their influence, respectively, with the other maritime and civilized nations of the world, to the end that the said African slave trade may be recognised and declared to be piracy, under the law of nations.

ARTICLE 2. It is agreed by the high contracting

parties, that the commanders and commissioned officers of either nation, duly authorized, under the regulations and instructions, of their respective Governments, to cruise on the coast of Africa, of America, or of the West Indies, for the suppression of the slave trade, shall be authorized, under the conditions, limitations, and restrictions, hereinafter mentioned, to capture and deliver over to the duly authorized and commissioned officers of the other, any ship or vessel carrying on such illicit traffic in slaves, under the flag of the said other nation, or for the account of their subjects or citizens, to be sent in for trial and adjudication by the tribunals of the country to which such slave ship or vessel shall belong. And the said commanders and commissioned officers shall be further authorized to carry, or send in, any such slave-trading ship, so by them captured, into the ports of the country to which such slave-trading ship shall belong, for trial by the tribunals, and conformably to the laws, of said country. But the slave ship, so captured, shall not be sent into the ports, or tried by the tribunals of the captor.

ARTICLE 3. If any naval commander or commissioned officer of the United States of America, shall, on the high seas, or any where without the territorial jurisdiction of the said States, board, or cause to be boarded, any merchant vessel of Great Britain, and visit the same as a slave trader, or on suspicion of her being engaged in carrying on the illicit traffic in slaves, in every case, whether the said visited vessel shall be captured and delivered over, or sent into the ports of her own country for trial and adjudication, or not, the boarding officer shall deliver to the master or commander of the visited vessel a certificate in writing, signed by the said boarding officer with his name, and the addition of his rank in the service of the United States, and the name of the public vessel of the United States, and of her commander, by whose order the said visit shall have been ordered; and the said certificates shall declare, that the only object of the said visit is to ascertain whether the said British merchant vessel is engaged in the slave trade, or not; and if found to be so engaged, to take, and deliver her over to the officers, or the tribunals of her own nation, for trial and adjudication. And the commander of the said public vessel of the United States shall, when he delivers her over to the officers or tribunals of Great Britain, deliver all the papers found on board of the captured vessel, indicating her national character, and the objects of her voyage, and with them a like certificate of visitation, in writing, signed by his name, with the addition of his rank in the Navy of the United States, and the name of the public vessel commanded by him, together with the name and rank of the boarding officer, by whom the said visit was made. This certificate shall, also, specify all the papers received from the master of the vessel detained, or visited, or found on board the vessel, and shall contain an authentic declaration, exhibiting the state in which he found the vessel detained, and the changes, if any, which have taken place in it, and the number of slaves, if any, found on board at the moment of detention.

And the same duties herein described shall devolve upon every commander, or commissioned officer, of the royal navy of Great Britain, by whom, or by whose order, any merchant vessel of the United States, or navigating under their flag, shall be visited for the said purposes, and upon the boarding officer by whom the visit shall be effected, on the high seas, or any where without the territorial jurisdiction of Great Britain.

ARTICLE 4. No merchant vessel of either of the contracting parties, under the convoy of a public vessel of her own nation, shall, under any circumstances whatever, be captured, or visited by, or from, any public vessel of the other nation, as being engaged, or on suspicion of being engaged, in the slave trade.

ARTICLE 5. No search shall be made by, or under the orders of, the commander or boarding officer of any public vessel of either party visiting any merchant vessel of the other, as being engaged, or under suspicion of being engaged, in the slave trade, excepting such as may be necessary to ascertain if there be slaves on board for the purposes of the said traffic, or other proof that the said vessel is so engaged. No person shall be taken out of the said visited or captured merchant vessel of either nation, by the commanding officer of the visiting vessel, or under his order. Nor shall any part of the cargo of the said visited vessel be removed out of her, until delivered over to the officers, or tribunals, of her own nation.

ARTICLE 6. When a merchant vessel of either nation shall be captured, as being engaged in the slave trade, by any commander, or commissioned officer, of the navy of any other nation, it shall be the duty of the commander of any public ship of the navy of the nation to which the captured vessel shall belong, upon the offer thereof being made to him by the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry, or to send, the same into the ports of his own country, for trial and adjudication. And at the time of the delivery of the said vessel, an authentic declaration shall be drawn up, in triplicates, signed by both the commanders of the delivering and of the receiving vessel, one copy of which shall be kept by each of them, stating the circumstances of the delivery; the condition of the vessel captured, at the time of the delivery; the number of slaves, if any, on board of her; a list of all the papers received, or found on board of her at the time of capture, and delivered over with her, and the names of the master or commander of the captured vessel, and of every person on board of her, other than the slaves, at the said time of delivery; and the third copy of the said declaration shall be transmitted with the said captured vessel, and the papers found on board of her, to one of the ports of the country to which the said captured vessel shall belong, to be produced before the tribunal appointed, or authorized, to decide upon the said capture; and the commander of the said capturing vessel shall be authorized to send the boarding officer, and one or two of his crew, with the said captured vessel, to appear as witnesses of the facts in relation to her

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capture and detention, before the said tribunal. The reasonable expenses of which witnesses, in proceeding to the place of trial, during their necessary detention there, and for their return to their own country, or to rejoin their station in its service, shall be allowed by the tribunal of trial: and in case of the condemnation of the captured vessel, be defrayed from the proceeds of the sale thereof; and in case of the acquittal of the said vessel, they shall be paid by the Government of the capturing officer.

ARTICLE 7. The commander or commissioned officer of the navy of either of the contracting parties, having captured a merchant vessel of the other, as being engaged in the slave trade, if there be no public vessel of the nation to which the said captured vessel belongs, cruising upon the same station, to the commander of whom the said captured vessel may be delivered over as stipulated in the preceding article, shall carry or send the said captured vessel to some convenient port of her own country, there to be delivered up to the competent tribunal for trial and adjudication. And the said captured vessel shall there be libelled, in the name and behalf of the captors; and in case of the condemnation of the said vessel, the proceeds of the sale thereof and of her cargo, if also condemned, shall be paid to the commander of the said capturing vessel, for the benefit of the captors; to be distributed according to the established rules of the service of the nation to which such capturing vessel shall belong, for the distribution of prize money.

ARTICLE 8. The captain or commander and crew of the said vessel, so captured and sent in for trial and adjudication, shall be proceeded against conformably to the laws of the country, whereinto they shall be so brought upon the charge of piracy, by being engaged in the African slave trade; and the captain, or commander, the boarding officer, and other persons belonging to the capturing vessel shall be competent witnesses to the facts relating to the said charge and to the capture of the said vessel, to which they shall be personally knowing. But every such witness, upon the criminal trial for piracy, shall be liable to be challenged by the person accused, and set aside as incompetent, unless he shall release and renounce all his individual claim to any part of the prize money, upon the condemnation of the vessel and cargo.

ARTICLE 9. It is agreed between the high contracting parties that the right of visiting, capturing, and delivering over for trial the vessels engaged in the African slave trade, and assuming their respective flags, is mutually conceded to the officers of their respective navies, on the consideration that they have, by their respective laws, declared their citizens and subjects, actively participating in the said traffic, guilty of the crime of piracy.

That no part of this Convention shall be so construed as to authorize the detention, search, or visitation, of the merchant vessels of either nation, by the public officers of the navy of the other, except vessels engaged in the African slave trade, or for any other purpose whatever than that of

seizing and delivering up the persons and vessels concerned in that traffic, for trial and adjudication, by the tribunals and laws of their own country.

ARTICLE 10. It is further agreed that this right of visiting, detaining, and delivering, over for trial, vessels engaged in the slave trade, shall be exercised only by the commissioned officers of the navy of the parties, respectively, furnished with instructions from their respective Governments, for the execution of their respective laws for the suppression of the slave trade. That the boarding officer, and the captain, or commander, of the vessel exercising these rights, or either of them, shall be personally responsible in damages and costs to the master and owners of every merchant vessel so by them delivered over, detained, or visited, for every vexatious or abusive exercise of the right. In the case of every vessel delivered over, as herein stipulated, for trial, the tribunal shall be competent to receive the complaint of the master, owner, or owners, or of any person on board of such captured vessel, or interested in the property of her cargo at the time of her detention, and on suitable proof of such vexatious or abusive detention or visitation, to award reasonable damages and costs to the sufferers, to be paid by the said commanding or boarding officer, or either of them, so charged with vexatious or abusive detention, or visit. And the high contracting parties agree that their respective Governments shall, in every such case, cause payment to be made of all such damages and costs so awarded, to the persons so entitled to receive them, within twelve months from the date of such award. And if any case of such vexatious or abusive detention, or visit, should occur, in which the vessel detained or visited shall not be delivered over for trial and adjudication, as herein provided, the commander and boarding officer by whom such vexatious and abusive detention or visit shall have been made, shall, also, be responsible in costs and damages to the sufferers, upon complaint before the competent Admiralty Court of the country of the said commander and boarding officer. And the respective Governments shall, in like manner, cause payment to be made of any damages and costs awarded by said court, within twelve months from the date of the award.

ARTICLE 11. A copy of this Convention, and of the laws of the two countries actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the public vessels, instructed to carry into effect such prohibition. And in case any such commanding officer of the Navy of the United States, or of Great Britain, shall deviate in any respect from the dispositions of this treaty, and from the instructions of his Government conformable to it, the Government which shall conceive itself to be wronged by such conduct shall be entitled to demand reparation; and in such case the Government of the nation, to the service of which he may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon him, if he be found to have deserved

it, a punishment proportioned to the transgression which may have been committed.

ARTICLE 12. The present Treaty, consisting of — articles, shall be ratified, and the ratifications exchanged within one year from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and thereunto affixed their seals.

Done at —, the — day of —, in the year of our Lord —.

Mr. Adams to Mr. Middleton.—No. 17.

DEPARTMENT OF STATE,
Washington, July 28, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted by the House of Representatives, almost unanimously, requesting "the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the Ministers of the United States destined to the Republics of Colombia and Buenos Ayres, and to the Minister who has recently departed for Spain. But, as a negotiation for co-operation to effect the suppression of the African slave trade, had already been commenced with Great Britain, a special instruction upon the subject was forwarded to Mr. Rush, together with a full power, and a draught of a convention, to be proposed, in substance, to that Government, and which he has been authorized to conclude.

A copy of that instruction and draught are herewith enclosed; the general terms of which you will communicate, at such time, and in such manner, to the Imperial Russian Government, as you shall think proper.

You will, also, communicate to them the purport of the resolution of the House of Representatives above cited, and copies of the laws of the United States prohibiting the slave trade. You will particularly invite their attention to the two sections of the act of the 15th May, 1820, by which this offence, when committed by citizens of the United States, is subjected to the penalties of piracy.

The proposal that this principle should be recognised by the general consent of civilized nations, recommended by the resolution of the House of Representatives, appears to be substantially the same with that made by Great Britain, at the Congress of Verona. It was not acceded to by any one of the other Powers there assembled, and the conferences on this subject terminated there by a mere renewal of the joint declaration against the traffic, of the Congress at Vienna. So long as the trade shall not be recognised as piracy by

the law of nations, we cannot, according to our Constitution, subject our citizens to trial for being engaged in it, by any tribunal other than those of the United States.

The admission of the crime as piracy, by the law of nations, would seem necessarily to subject the perpetrators of it to *capture*, by the armed force of every nation. And this might endanger the lawful commerce of the maritime nations, by subjecting them to the abuses of vexatious searches, without some special provision to guard against them.

This is the object of the stipulations proposed in the draught herewith transmitted; requiring that all vessels of one nation, which may be captured as slave traders by the cruisers of another, should be delivered over for trial to the tribunals of their *own* country.

You will see that Mr. Rush is instructed to correspond with you upon this subject. If the draught of the articles enclosed should lead to the conclusion of a convention between the United States and Great Britain, a communication of it to the Russian Government will be made as soon as possible, and we shall propose that His Imperial Majesty's accession to it, if agreeable to him, shall be invited.

In the mean time, you will informally suggest to his Ministry, that it will be the desire of the Government of the United States to proceed in this matter, in perfect good understanding and harmony with them; and you will farther intimate that, as this has now become a general concern of the whole civilized world, and as Great Britain is negotiating, *jointly* and *severally*, with each and every of her allies in Europe, apart, and again with them altogether, while she is also separately treating with us, we wish it to be considered whether it would not be expedient on all sides, that communications should be made to us of all the jointly concerted measures, while they are mere proposals; and not that the knowledge of them should be withheld from us, until they are matured into positive treaties.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy, &c., at St. Petersburg.

Mr. Adams to Mr. Everett.—No. 10.

DEPARTMENT OF STATE,
Washington, Aug. 8, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, "That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for

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carrying it into effect have been given to the Ministers of the United States, destined to the Republics of Colombia and of Buenos Ayres, and to the several Ministers of the United States in Europe.

As a negotiation for co-operation to effect the suppression of the slave trade had already been commenced with Great Britain, a special instruction upon the subject has been forwarded to Mr. Rush, together with a full power, and a draught of a convention to be proposed in substance to the British Government, and which he is authorized to conclude.

A necessary preliminary to the conclusion of the proposed convention, should it meet the assent of the British Government, will be the enactment of a statute declaring the crime of African slave trading piracy by the British law. In that event, it is proposed, by proper co-operation, that the influence of the two Powers should be exerted to obtain the consent of other nations to the general outlawry of this traffic as piracy. In the mean time, to give at once effect to the concert of both nations, it is proposed that the armed vessels of both, duly authorized and instructed, shall have power to capture the slave-trading vessels which may assume the flag of either, and, if not of their own nation, to deliver over the captured slave trader to the officers or tribunals of his own country for trial and adjudication.

This principle is essential, as connected with that of constituting the traffic piracy by the law of nations. So long as the offence was considered as of inferior magnitude, the Constitution of the United States forbade the submission of it, when charged upon their citizens, to any foreign tribunal; and when the crime and the punishment are aggravated to involve the life of the accused, it affords but a more imperative inducement for securing to him the benefit of a trial by his countrymen and his peers.

It appears that at the conference of Verona the proposition was made by the British Government that the slave trade should be recognised and proclaimed as piracy by the law of nations. We have therefore reason to hope that the proposal now made to them, on the part of the United States, will be favorably considered by them. In that case, further communications on the subject with other Governments will ensue.

In the mean time, to fulfil the intentions of the House of Representatives, in relation to the Netherlands, you will communicate to their Government a copy of the resolution, together with copies of the laws of the United States prohibiting the slave trade, with particular notice of the two sections of the act of the 15th of May, 1820, by which the crime of being concerned in the African slave trade, when committed by citizens of the United States, is declared to be and is made punishable as for piracy. And you will announce the readiness of the American Government, should it suit the views of His Majesty, the King of the Netherlands, to enter upon a negotiation, for the purpose of carrying into effect the object of the resolution of the House of Representatives—namely,

the denunciation of the African slave trade as piracy, by the law of nations.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

ALEXANDER H. EVERETT, Esq.,

Chargé d'Affaires U. S. to the Netherlands.

Extracts of a letter (No. 6) from Mr. Adams to General Dearborn, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Lisbon, dated

DEPARTMENT OF STATE,

Washington, Aug. 14, 1823.

“At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, ‘That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.’

“A negotiation for concerting measures of co-operation to effect the suppression of the African slave trade had already, for several years, been pending with Great Britain, for which reason a special instruction has been transmitted to Mr. Rush, together with a full power, and a draught of a convention to be proposed, in substance, to the British Government, and which he is authorized to conclude.

“Should this proposal meet the assent of the British Government, a necessary preliminary to the conclusion of the convention will be the passage of an act of Parliament, declaring the crime of African slave trading, when committed by British subjects, piracy. An act of Congress to that effect, as relates to citizens of the United States, has been in force, as you are aware, these three years. When the crime shall have been constituted piracy by the statute law of both countries, each with reference to its own citizens or subjects, the principle offered by the projected convention is, that the armed vessels of each, specially empowered and instructed to that end, shall be authorized to capture slave-trading vessels assuming the flag of the other, and to deliver over the captured vessels to the public cruisers, or to the tribunals of their own country, for trial. This plan is offered as a substitute for that which was offered to us by Great Britain, which was predicated on the treaties already concluded between that Power and Spain, Portugal, and the Netherlands. The leading principle of those treaties was the mutual concession of the right of maritime search, in time of peace, to the armed vessels of both, cruising for slave traders, and a mixed court of commissioners and arbitrators, sitting in colonial possessions of the parties, for the trial of the delinquents. To this system the United States have steadily declined to accede, for two reasons: One, because they had an invincible repugnance to subject their merchant vessels

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to the maritime search of foreign officers, in time of peace: and the other, because they could not subject their citizens to the jurisdiction of foreign tribunals, upon trials for offences against their laws.

"At the conferences of Verona, the British Government appears to have proposed, that the African slave trade should be declared piracy by the law of nations. This is the same proposition recommended by the resolution of the House of Representatives of the United States. The ultimate object of the United States and of Great Britain, therefore, is the same.

"The negotiations suggested by the resolution of the House, must depend, materially, for their character and progress, with reference to other Powers, upon the event of that which is thus pending with Great Britain. The instructions to the Ministers of the United States in other countries have, therefore, been only of a general character.

"Portugal is the only maritime Power of Europe which has not yet declared the African slave trade, without exception, unlawful. Her own internal situation has, perhaps, recently tended to diminish the influence of those interests, which have heretofore prevailed to delay and postpone her acquiescence in the principle of total proscription upon that trade. It is hoped that she will not much longer resist the predominating spirit of the age, calling so loudly upon the rulers of mankind effectually to put down the crying sin of that abominable traffic.

"In communicating to the Portuguese Government copies of the resolution of the House of Representatives, and of the laws of the United States prohibiting the slave trade, you will state, that the Government of the United States will be ready to enter, at any time, when it may suit the views of that of Portugal, upon the negotiation contemplated by the resolution."

Mr. Rush to Mr. Adams, giving him the substance of a conversation with Mr. Canning.

[EXTRACTS.]

LONDON, October 9, 1823.

"This latter subject, (the slave trade,) he said, it was his wish to take in hand with me himself, and thus keep it detached from the general negotiations."

"Whilst we were speaking of the mode of taking up the question of the slave trade, I did not scruple to intimate, even at this early stage, that, unless this Government was prepared to say, that it would cause a statute to be passed, declaring the trade by its own subjects to be piracy, and rendering it punishable as such, in manner as had been done by the United States, that I was not authorized to make any proposals upon the subject; that this, in fact, was the only basis upon which it fell within the intentions of my Government to attempt any arrangement of the subject whatever. I was happy to hear Mr. Canning say, in reply, that he did not, speaking from his first impressions, see any insurmountable obsta-

cle, upon this score, to our proceeding with the subject."

Extract from No. 11 of Mr. Sheldon, Chargé d'Affaires of the United States at Paris, to the Secretary of State.

PARIS, October 16, 1823.

"In the same conference, I also informed Mr. Chateaubriand of the resolution of the House of Representatives respecting the slave trade, which made the subject of your despatch, No. 2, of the 14th of August. He repeated, in substance, what he had before stated to Mr. Gallatin, in conversation, viz: that the French Government were sincerely desirous of putting an end to that trade, and were taking all the measures in their power to effect it, by pursuing offenders, and executing rigidly the laws now in existence; but that the public opinion, generally, in France, and more especially in the Chambers, was against it, owing, not only to the prevalence of the colonial interest in the question, but, particularly, to the circumstances under which their stipulations with England upon this subject had been made; so tender were they upon this point, that the proposition of adding new rigors to their laws, would be taken as a new concession to that Power, and, instead of being adopted in the Chambers, would be more likely to provoke an attempt to repeal the prohibitory measures already established, in order to rid themselves, in that way, of one of the charges imposed upon them by the foreign occupation; that time was necessary to wear away these impressions; and, until that should have arrived, no Minister in France could be strong enough, upon this point, to do more than to watch over the execution of the laws already in force, which they were now disposed to do, fully and faithfully, and which, if not entirely efficient, at least made the prosecution of the trade, under the French flag, hazardous and difficult.

At present, therefore, it is not probable that France will consent to the proposal of the President, to enter upon the negotiations contemplated by the resolution of the House of Representatives. I have, however, made the proposal, in obedience to your directions; and have the honor to enclose a copy of the letter to Viscount de Chateaubriand, in which I have communicated to him that resolution."

Extracts from No. 14 of Mr. Sheldon, Chargé d'Affaires, to the Secretary of State, dated

PARIS, November 5, 1823.

"I have received answers from Viscount de Chateaubriand, on the subject of the new and more effective measures proposed against the slave trade."

"On the subject of the slave trade, the answer manifests a disposition to adopt such new provisions as may be found necessary, for its more effectual suppression; and this disposition really exists; but, after what Mr. de Chateaubriand had stated in conversation, and which I have already

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communicated, these new and more rigorous legislative provisions can only be introduced gradually, and some time will be required for effecting that purpose."

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, October 15, 1823.

SIR: The Minister of the United States to this Court had, some time before he left Paris, transmitted to your Excellency copies of the laws successively adopted by the United States for the suppression of the slave trade. This communication was intended for the special purpose of making the French Government acquainted with the fact, that, so far as the United States were concerned, their legislation upon this subject had been ineffectual; that their laws had been violated, and the trade had continued, until they had denounced against it the highest punishment that a human tribunal can inflict. Since it has been declared to be piracy, and punishable with death, the American flag has no longer been soiled with it.

At the last session of Congress, that body, desirous that the co-operation of the other maritime Powers might be obtained in measures which we had found to be so effectual, formally requested the President to enter upon, and prosecute, negotiations with those Powers, to that end. I have the honor to enclose a copy of the resolution adopted, with great unanimity, by the House of Representatives, upon that subject; and I am directed to declare, that the President is ready to enter upon the negotiation contemplated by it with France, whenever it may be agreeable to her. Instructions to the same effect have been given to all the Ministers of the United States accredited to foreign Powers, and the favorable results which are hoped from them will be made known, at the earliest opportunities, to the French Government. It may be expected that a co-operation in measures equally effectual with those heretofore brought forward for the suppression of this trade, and not open to similar objections, will be generally and readily afforded.

I beg to offer to your Excellency the renewed assurances, &c.

D. SHELDON.

[TRANSLATION.]

Viscount de Chateaubriand to Mr. Sheldon.

PARIS, October 29, 1823.

SIR: You did me the honor of writing me, on the 15th of this month, that the Government of the United States had only attained the effectual suppression of the slave trade by making it piracy, and by rendering those guilty of it liable to the same punishment. You have, at the same time, informed me, that that Government was disposed to co-operate with the other Powers, by negotiations, to attain, by the same means, the complete and general abolition of this traffic.

The communication which you did me the honor to address to me, cannot but deserve great

consideration. I have requested the Keeper of the Seals to review, with great care, the laws and ordinances which have been made in France for obtaining the abolition of the trade; to certify, after this examination, in what points they may be insufficient, and to propose, for completing them, in case of need, all the new dispositions which might accord with the independence and rights of the flag, and which might appear most proper to assure, in France, in an efficacious manner, the absolute cessation of a traffic so contrary to the rights of humanity.

Accept, sir, the assurances, &c.

CHATEAUBRIAND.

Extract of a letter from Mr. Everett, Chargé d'Affaires, to the Secretary of State, dated

"BRUSSELS, November 20, 1823.

"I have received from the Baron de Nagell a preliminary answer to my note of the 7th, upon the slave trade, of which I have the honor to enclose a copy."

[TRANSLATION.]

Mr. Everett to Baron de Nagell.

BRUSSELS, November 7, 1823.

SIR: I have the honor to subjoin, to your Excellency, by order of my Government, a printed copy of the laws of the United States, which forbid their citizens to pursue the slave trade; also, a copy of the resolution of the House of Representatives, of the 8th of February, 1823, by which the President is requested to concert, with the maritime Powers of Europe, and of America, the measures which may be most proper to effect the abolition of that trade, and to make it, by the universal consent of the civilized world, equivalent to the crime of piracy.

Your Excellency will remark, that it is already viewed in this light by the laws of the United States. The act of 15th March, 1820, declares, (section 4 and 5,) that the persons subject to the jurisdiction of the Republic, who shall be engaged in the slave trade, either by seizing these unfortunate, by force or fraud, and carrying them on board their vessels, or by keeping them there, and making them an object of traffic, shall be deemed pirates, and punished with death.

In fact, this pretended commerce bears all the characteristics of piracy: that is, of felony committed on the sea. And, as it has been denounced as a crime by the greater part of civilized nations, it ought to fall into the particular class of crimes to which it naturally belongs, and undergo the penalties which the usage and the law of nations impose upon them. An unanimous declaration of the Christian Powers, to this effect, would inevitably produce the entire cessation of the trade. The public ships of each Power would then be authorized, by the law of nations, to cruise against the persons who might be engaged in it, without regard to the color of the flag with which they might pretend to be sheltered. Whilst, if the trade is only regarded, in each country, as an

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offence against the municipal laws, it would be lawful for any one nation alone, by permitting it, to afford an asylum under its flag to the pirates of all the others.

The known character of the King, and the zeal which His Majesty has already displayed in his efforts to bring about the abolition of this infamous commerce, furnishes a presumption to the Government of the United States, that that of the Low Countries will voluntarily co-operate with it to that effect. In communicating to your Excellency the subjoined papers, and in praying that you will be pleased to lay them before the King, I am charged to announce to him the desire of the President of the United States to obtain the co-operation of His Majesty in this work of justice, and to establish a concert between the two Powers, in the measures which they may pursue, in common, to render the slave trade equivalent to the crime of piracy, by the universal consent of the Christian world.

I eagerly embrace this occasion to renew to your Excellency the homage of my most distinguished consideration.

A. H. EVERETT.

[TRANSLATION.]

Baron de Nagell to Mr. Everett.

BRUSSELS, Nov. 13, 1823.

SIR: I have the honor to acknowledge the receipt of your note of the 7th of this month, containing some propositions in regard to the slave trade, and to inform you that, without delay, I laid this paper, and its enclosures, before the King.

I shall hasten to impart to you the determination of His Majesty, as soon as I shall have been informed of it; and, in the meantime, I seize this opportunity to renew the assurance of my distinguished consideration.

A. W. C. DE NAGELL.

INTERCOURSE WITH PORTUGAL.

[Communicated to the Senate, May 10, 1824.]

To the Senate of the United States:

I communicate herewith, to the Senate, a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ultimo.

JAMES MONROE.

WASHINGTON, May 7, 1824.

DEPARTMENT OF STATE,
Washington, May 6, 1824.

The Secretary of State, to whom was referred the resolution of the Senate of the United States of the 13th of April last, requesting that the President would cause to be communicated to the Senate, so much of the correspondence of the

Minister of the United States, at the Court of Lisbon with the Government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as might be in possession of the Government; and which, in his opinion, might, without injury to the public interests, be made known, has the honor of submitting to the President the papers required by the said resolution.

JOHN QUINCY ADAMS.

LIST OF DOCUMENTS.

Mr. Adams to General Dearborn, 25th June, 1822.
Mr. Correa de Serra to Mr. Adams, 4th June, 1820.
Copy.
Mr. Correa de Serra to Mr. Adams, 8th June, 1820.
Mr. Correa de Serra to Mr. Adams, 16th July, 1820.
Mr. Adams to Mr. Correa de Serra, 20th July, 1820.
Mr. Correa de Serra to the Secretary of State, 26th August, 1820.
Mr. Adams to Mr. Correa de Serra, 30th Sept., 1820.
Mr. Correa de Serra to Mr. Adams, 9th Nov., 1820.
Mr. Amado Grehon to Mr. Adams, 4th Dec., 1820, with enclosures. Translations.
Mr. Amado Grehon to Mr. Adams, 14th Dec., 1820, with an enclosure. Translation.
Mr. Amado Grehon to Mr. Adams, 1st April, 1822. Translation.
Mr. Adams to Mr. Grehon, 30th April, 1822. Copy.
Mr. Grehon to Mr. Adams, 3d May, 1822. Translation.
Mr. Grehon to Mr. Adams, 5th May, 1822.
General Dearborn to Mr. Adams, 28th August, 1822. Extract.
General Dearborn to Mr. Adams, 10th October, 1822. Project of Convention. Copy.
General Dearborn to Mr. Adams, 13th Dec., 1822. Extract.
General Dearborn to Mr. Adams, 30th January, 1823.
General Dearborn to Mr. Adams, 20th Feb., 1823.
General Dearborn to Mr. Adams, 3d March, 1823.
General Dearborn to Mr. Adams, 24th March, 1823.
General Dearborn to Mr. Adams, 4th June, 1823.
General Dearborn to Mr. Adams, 29th June, 1823.
General Dearborn to Count de Lapa, 8th March, 1823.
Count de Lapa to General Dearborn, 12th March, 1823.
General Dearborn to Mr. Pinheiro, 18th April, 1823.
Mr. Pinheiro to General Dearborn, 2d May, 1823. Translation.
General Dearborn to Mr. Adams, 15th July, 1823. Extract.
General Dearborn to the Marquis Palmella, 15th July, 1823.
Marquis de Palmella to General Dearborn, 10th July, 1823. Translation.
General Dearborn to Mr. Adams, 21st July, 1823. Extract.
General Dearborn to Mr. Adams, 25th October, 1823.
General Dearborn to Mr. Adams, 7th November, 1823.
General Dearborn to Marquis Palmella, 7th November, 1823. Copy.
General Dearborn to Mr. Adams, 27th Nov., 1823. Extract.
Project of a Treaty.
General Dearborn to Mr. Adams, 26th January, 1824. Extract.
General Dearborn to Mr. Adams, 4th March, 1823. Extract.

*Intercourse with Portugal.**Mr. Adams to General Dearborn.*

General H. DEARBORN, appointed Envoy Extraordinary and Minister Plenipotentiary to the Court of Portugal, at Lisbon.

DEPARTMENT OF STATE,
Washington, June 25, 1822.

SIR: The political and commercial relations between the United States and Portugal, have always been of an interesting character. By the revolution in the Government of that country, recently consummated, and by the return of the King, and part of his Court and family, to Europe, they have been, and may be further affected in a manner to require the agency of a person, not only generally conversant with the intercourse which has heretofore subsisted between the two countries, but by long experience in the public affairs of this Union, and a familiar acquaintance with its interests, qualified to represent them at a time, and under circumstances in many respects critical. Fully acquainted with your long and faithful services to this Union in some of its highest trusts, the President has been induced, by these considerations, to invite your co-operation again in the public service, and has learnt, with great satisfaction, your acceptance of the appointment of Envoy Extraordinary and Minister Plenipotentiary to Portugal.

Independently of the changes in the diplomatic relations of the two countries, which have resulted from the removal of the King from Rio de Janeiro to Lisbon, other accidental circumstances have concurred to cause some irregularity and disorder in them. In the Spring of the year 1819, Mr. John Graham was appointed Minister Plenipotentiary of the United States to the Court of Brazil, to succeed Mr. Thomas Sumpter, junior, who had resided there in that capacity almost from the time of the transfer of the Portuguese Government thither. Mr. Graham, within little more than a year from the time of his departure on that mission from the United States, was compelled to return home, and barely lived to reach this country.

About the same time, the Chevalier Correa de Serra, who had for several years resided as the Minister Plenipotentiary of Portugal in this country, was recalled, and left the United States. A resolution of the Senate of the United States in March, 1821, recommended to the President the appointment of a Minister to the Court of Brazil, but the return of the King of Portugal to Europe very shortly afterwards, rendered the compliance with this resolution unavailing.

The departure of that Prince from Rio de Janeiro had been preceded by various movements of a revolutionary character, as well there, as in Portugal. He had, immediately before embarking, appointed as his Minister to the United States, the person who, since his arrival in Europe, has acted as his Secretary of State for Foreign Affairs. And it appears that, since the revolution there, which has invested the Cortes with a principal portion of the sovereign authority, the policy of maintaining Ministers of the Plenipo-

tentiary rank from that country has been suspended. A Chargé d'Affaires has been appointed to repair to Washington, but has not yet arrived. In the mean time, that office has been discharged by the Chevalier Amado Grehon, who had been Secretary of Legation to Mr. Correa, and recently a Mr. Dacosta has been here, and announced himself as attached to the Legation, and to exercise the powers of Consul General.

The usual diplomatic intercourse between the United States and Portugal has thus been for the last three years in a great measure suspended: Nor is it probable that the mission of the United States now instituted, will be of long duration. There are objects, political and commercial, which require its most serious attention, and which it is hoped may be adjusted satisfactorily to both countries, by your intervention.

After the invasion by the Brazilian Portuguese Government of Montevideo, and the eastern shore of the river La Plata, a revolutionary Government, under the name of the Oriental Republic of La Plata, and subject to the authority of a military chief, named Artigas, for several years maintained a defensive war, at once against them, and against the rival Revolutionary Republic, styled the United Provinces of La Plata. The latter, the seat of Government of which was at Buenos Ayres, never came to a state of declared war with Portugal, but the Republic of Artigas did, and that commander issued commissions for privateers and letters of marque, against the Portuguese, under which, the commerce of that nation was, for three or four years, much annoyed. Of the captures made by these privateers, several were brought into the ports of the United States, and frequent complaints were received from Mr. Correa, that some of the privateers were fitted out within the United States, and partly manned by their citizens. To these complaints every attention, compatible with the rights of the citizens of the United States, and with the laws of nations, was paid by this Government. The laws for securing the faithful performance of the duties of neutrality were revived and enforced. Decrees of restitution were pronounced by the judicial tribunals in all cases of Portuguese captured vessels, brought within the jurisdiction of the United States: And all the measures, within the competency of the Executive, were taken by that department of the Government for repressing the fitting out of privateers from our ports, and the enlisting of our citizens in them.

These measures, however, do not appear to have been altogether satisfactory to the Portuguese Government, doubtless, because they were not sufficiently understood by them. Shortly before the Chevalier Correa de Serra left the United States, he addressed to this Department several notes, copies of which, as well as of two subsequent notes from Mr. Amado, are herewith enclosed, containing lists of Portuguese vessels captured by privateers, alleged to have been fitted out in the United States, or partly officered and manned by citizens of this country. To these lists were added claims of indemnity to a large

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amount upon the United States, for the value of these vessels and cargoes; and with them was connected a demand for the appointment of a joint commission, to be appointed by the two Governments, to determine and assess the amount of damages to be paid by the United States for these captures. As there was no precedent for the appointment of such a commission under such circumstances, and as not a single case of capture had been alleged, for which the United States were justly responsible, this proposal was, of course, denied; and nothing further was heard upon the subject, until the 1st of April last, when a note was received from the present *Chargé d'Affaires* of Portugal, leading to a correspondence, copies of which are now furnished you.

Among the first and most important objects of your mission, will be the charge of reviewing the whole course of this correspondence, from the time when the proposition for the appointment of Commissioners was made by the *Chevalier Correa de Serra*. The President wishes that this service should be performed in the most conciliatory manner, and with all possible regard to the feelings of the Portuguese Government.

It will, however, not be necessary that you should commence the correspondence with them. The menace of retaliation by commercial regulations favoring the trade of other nations, it can scarcely be supposed was intended to be carried into effect; for it would not be less impolitic than unjust; and with the experience which they have of the pernicious consequences of granting favors to one nation to the detriment of others, it is incredible, that, under a Government in which the public interest is felt through the medium of a popular representation, resentments, in themselves so unfounded, should be indulged, by measures so injudicious and self-annoying.

You will, nevertheless, attentively watch, and forthwith report, any measure which may be adopted, or even specifically contemplated, of that character; and you will observe the disposition and temper of understanding between the Portuguese Government, as now constituted, and those of the other Powers of Europe. It is believed that they have no Ministers at present residing in any part of Europe, nor Ministers from any European Government residing with them. Some of the Allies have not yet recognised their revolutionary movement, and all have manifested, in some form, their dissatisfaction with it. These prejudices, it is probable, will gradually subside, and the usual intercourse between them and the rest of Europe, will be restored. While its interruption continues, it is scarcely to be apprehended that they will adopt measures of rigor and injustice towards the nation which is the first to sympathize with them.

With regard to the proposal contained in the letter from Mr. Amado, of the 1st of April, of a treaty of commerce, in which special advantages shall be granted to the United States, even if it were offered by itself, and separately from the inadmissible condition connected with it, we should not consider it as desirable, or compatible with the

true policy of either nation. We have never sought exclusive advantages in our treaties with any foreign nation. The policy of the United States, on the contrary, has invariably been to form its commercial institutions and engagements on the broadest and most liberal principles of reciprocity. We are neither solicitous, nor unwilling to treat with Portugal upon subjects of commerce; but if we do treat it must be upon those principles, and in conformity with them. The Convention of 3d July, 1815, with Great Britain, so far as it goes, exhibits the system upon which we are desirous of settling our commercial arrangements with other nations, and the only one upon which we should be inclined to treat with Portugal.

We have seen in the public journals, accounts purporting some dissatisfaction in the Island of Madeira, at the rates of duties levied in the United States upon its wines. They are, however, moderate when considered in reference to the comparative prices of the article; and still more so, when compared with the duties levied upon the same article in Great Britain. There is, indeed, no other country, except Great Britain, which imports and consumes the wines of Madeira, in quantities comparable to those taken by the United States.

The connexion between the kingdom of Portugal and that of Brazil, has already been greatly affected by revolutionary movements in both countries. It can scarcely fail, within no distant period, to be more so. It is not conceivable that Brazil should ever again be subjected to the colonial state, nor is it likely long to submit to any direct control from a Government so distant from it. Information of the proceedings of the Cortes on this subject, especially so far as they may affect our commercial intercourse with Brazil, will be desirable, whenever, and with as much accuracy as you can obtain it.

I am, with great respect,

JOHN QUINCY ADAMS.

ENCLOSURES.

Mr. Correa de Serra to the Sec'y of State,	June 4, 1820.
Do	do June 8, 1820.
Do	do July 16, 1820.
Do	do Aug. 26, 1820.
Do	do Nov. 9, 1820.
Mr. Amado to	do Dec. 4, 1820.
Do	do Dec. 14, 1820.
Do	do April 1, 1820.
Do	do May 3, 1820.
Do	do May 5, 1820.
Secretary of State to Mr. Correa de Serra,	July 20, 1820.
Do	do Sept. 30, 1820.
Mr. Amado to the Secretary of State,	April 30, 1822.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, June 4, 1820.

SIR: Mr. Joachim Barozzo Pereira, appointed by my Sovereign Consul General of Portugal, in these United States, is arrived in Philadelphia, and has shown me his commission, accompanied by the official communication from the Minister

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of Foreign Affairs. I have, consequently, the honor of presenting him to this Government in that capacity, and request the exequatur of the President to his commission. I present, also, Mr. Henry Hutton, as Vice Consul of Portugal, in the port of New Orleans, and all the others of the United States in the Gulf of Mexico, and request the necessary exequatur.

Permit me, sir, to profit of this occasion, to offer my thanks to this Government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore in foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations. The courts of justice also seem to take a more adequate view of the practices about which I have been forced to importunate this Government by my reiterated complaints. At least, henceforward, those who engage in such pursuits will have in prospect a lesser chance of impunity.

Undoubtedly, the aforesaid provisions will diminish the evil, but something remains still to be done to suppress it entirely. In the full persuasion of the sincere wishes of this Government to put a final stop to practices so contrary to the friendly intercourse between our two nations, I propose to have the honor of submitting to your consideration my views on this subject, in the occasion of personally paying my respects to you, and taking my leave previous to my visit to the Brazil.

I beg the acceptance of the renewed assurances of the high consideration and respect, with which I am, &c.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, June 8, 1820.

SIR: I think it my duty to represent to this Government that the Portuguese ship Montalagre was brought to Baltimore twenty-two months ago, a prize to a so-called Artigan privateer, and has been all this time the subject of litigation with the Artigan captors, American citizens. Past things are not intended to be in any way the object of this communication, but merely the prevention of future evil. In the first of this month this ship was sold by judicial authority in Baltimore, under the hammer, to Captain Chase, a notorious privateersman, standing under an indictment of piracy. It is to be immediately fitted as a privateer, (and a formidable one it will prove, by its size and strength, which are those of a good frigate,) to cruise against the Portuguese Indianmen, and the command of it to be given, as it is assured, to the notorious Captain Taylor.

I have not the least doubt that the Supreme Executive of this nation has both the power and the will of putting a stop to this hostile armament, particularly when, as in this case, he has timely information, which will be successively put under his eyes, at every stage of this inimical attempt on the Portuguese commerce.

18th CON. 1st SESS.—95

I beg you to accept the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

WILMINGTON, July 16, 1820.

SIR: I am ordered by my Sovereign to lay before this Government the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships, fitted in the ports of the Union by citizens of these States. The values have been ascertained by the proper courts of justice, and revised with all care and attention by the Royal Board of Commerce. In proportion as the value of the other ships stolen is in the same manner ascertained, their names, and the amount of losses, will be laid before this Government.

His Majesty, consistently with his friendly and equitable sentiments towards the United States, wishes that this affair be treated with all that candor and conciliating dignified spirit that becomes two Powers who feel mutual esteem, and have a proper sense of their moral integrity. In this spirit I have the honor to propose to this Government to appoint commissioners on their side, with full powers to confer and agree with His Majesty's Ministers in what reason and justice demand. It is not expected that a Government who, on every occasion, has so steadily and nobly protected the just pretensions of its own citizens, like that of the United States, may have the least difficulty in concurring with such candid views of a Sovereign, who feels equally with them what he owes to himself in the protection of his subjects.

The ships are the following: 1. D. Pedro de Alcantara. 2. S. Joao Baptista. 3. D. Miguel Torjaz. 4. Sa. Maria Vencedora. 5. Thalia. 6. S. Joao Protector. 7. Montalegre. 8. Luiza. 9. Logo the Direy. 10. Lord Wellington. 11. Ninfa de Lisboa. 12. General Sampaio. 13. Perola. 14. Paquette de Porto. 15. Conde de Cavalleiros. 16. Globo. 17. Carlota. 18. Flora. 19. Sra. da Piedade.

The amount of their value which is reclaimed, is four hundred ninety-two thousand nine hundred eighteen milreas, which, at the common and general rate of the milreas in your market, is equal to six hundred sixteen thousand one hundred fifty-eight dollars.

I am proceeding to an excursion in the mountains, at the end of which, I intend having the honor of seeing you in Washington. The reason of my mentioning this is, because a written answer, which you might possibly give to this communication, would naturally miss me.

I beg you, sir, to receive the assurances, &c.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Joseph Correa de Serra.

DEPARTMENT OF STATE,

Washington, July 20, 1820.

SIR: I have had the honor of receiving your notes of the 4th and 8th ultimo.

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The exequaturs for Mr. Pereira, as Consul General of Portugal, and of Mr. Hutton, as Consul at New Orleans, and the other ports of the United States in the Gulf of Mexico, have been made, and transmitted to you.

The acts of Congress to which you refer, in the first of these notes, may be justly considered as affording the most decisive proofs of the determination both of the Legislature and Executive, to discharge, with the utmost fidelity, all their duties towards friendly nations, and particularly towards that whose representative you are. In remarking that the section of the statute for the further punishment of piracy, which brings the landing and committing acts of robbery on a foreign shore within the definition and penalties of that crime, was obviously suggested by a case of that description which had occurred in a Portuguese island, I take satisfaction in the assurance that your Government will perceive, in that provision, a proof of the earnestness with which the United States cherish the most friendly dispositions towards your country.

It will give me pleasure to receive any further communication, verbal or written, from you, which may contribute towards the same effect; and I am authorized to assure you, that, upon the information contained in your note of the 8th instant, such measures have been, and will continue to be taken, under the direction of the President, as are within the competency of the Executive, and may serve to maintain inviolate the laws of the United States, applicable to the case.

I avail myself of this opportunity of renewing to you the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Correa de Serra to the Secretary of State.

WASHINGTON, August 26, 1820.

SIR: In consequence of the wish you expressed in our last interview, I have the honor of transmitting to you the names of the officers of the Navy of the United States, who, in October, 1818, embarked and served on board the armed schooner *General Artigas*, Captain Ford, under the so called Artigan flag, and cruised for many months on the coast of Brazil, capturing several Portuguese ships, amongst others, the *Sociedade Feliz*, which was brought to Baltimore. Their names are, Lieutenants Peleg and Dunham, of Rhode Island, Midshipman Augustus Swartwout, of New York, Benjamin S. Grimke, of South Carolina.

The griefs against the particular judges, who I believe have disgraced the commission they have from the United States, shall be laid before you, as soon as I have returned to Philadelphia, and looked into my papers.

I am perfectly sure that a candid and friendly examination of this unpleasant business cannot fail of bringing a mutual accord, such as both our Governments wish; and therefore, according to what I asked in my notes from Philadelphia, and your offer in that of the 20th of last month, which I have received on my arrival here, I beg of you

to fix the day and time most convenient to you, in which I may have the honor of meeting you, in order to put an end, as I hope, to all these causes of discontentment and discord, the work of unprincipled men, and so utterly opposite to the harmony and good understanding, which is equally the intention and the interests of our two Governments to maintain and cultivate.

Accept the renewed assurances of my distinguished respect and consideration.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Correa de Serra.

DEPARTMENT OF STATE,
Washington, Sept. 30, 1820.

SIR: The proposal contained in your note of the 16th July last, has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this Government is animated in its intercourse with all foreign Governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners, to confer and agree with the Ministers of His Most Faithful Majesty upon the subject to which your letter relates, would not be consistent either with the Constitution of the United States nor with any practice usual among civilized nations.

The judicial power of the United States is, by their Constitution, vested in their Supreme Court, and in tribunals subordinate to the same. The judges of these tribunals are amenable to the country by impeachment; and if any Portuguese subject has suffered wrong by the act of any citizen of the United States, within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction and beyond their control, the Government of the United States is not responsible.

To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States have been to observe a perfect and impartial neutrality.

The Government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. They have, by various and successive acts of legislation, manifested their constant earnestness to fulfil their duties towards all the parties to that war; they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognised by all tribunals of similar jurisdiction.

But I am instructed to request that you would furnish me with all the documents upon which the complaints in your notes of the 16th of July, and 26th of August, are founded, as well relating to the vessels mentioned in the former, as to the naval officers in the service of the United States, and to the judges whom, in the latter, you accuse of having, in your belief, disgraced the commissions which they bear. And I am further com-

manded to assure you, that if those documents shall be found to contain evidence, upon which any officer, civil or military, of the United States, or any of their citizens, can be called to answer for his conduct, as injurious to any subject of Portugal, every measure shall be taken, to which the Executive is competent, to secure full justice and satisfaction to your sovereign and his nation.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Joseph Correa de Serra to the Secretary of State.

NEW YORK, November 9, 1820.

SIR: I have received, in due time, your official letter of the 30th September last, and though I found that there was much to reply on my side, I resolved, after mature consideration, to refer it to His Majesty's Ministers of State, who, no doubt, will give a convenient answer. Being now on the point of leaving this country, I thought it proper to inform you of this step, both out of regard to this Government, taking in this manner a respectful notice of your communication, and in order that, out of my silence, no belief may arise of any tacit acquiescence in the reasons that you exposed in it.

Accept, sir, the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, December 4, 1820.

SIR: It falls to my duty to present to the Government of the United States the enclosed abstract of a new case of piracy, which I have lately received from my Court; and to request of you to subjoin it (that it may appear) to the list of others which has been presented to this Government by the Chevalier Correa, Minister Plenipotentiary of His Most Faithful Majesty.

I embrace this occasion to have the honor of testifying to you, sir, the sentiments of esteem and of respect, with which I am, &c.

J. AMADO GREHON.

Hon. J. Q. ADAMS, Sec'y of State.

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, December 14, 1820.

SIR: I have the honor of again transmitting to you an authentic copy of twelve claims, requesting you to add them to the list of others, which the Chevalier Correa de Serra, Minister Plenipotentiary of His Most Faithful Majesty, presented to your Government.

I expect the honor of your answer to this note, and also, to the former which I addressed to you, on the 4th instant, that I may be enabled to give an account to my Court.

I am, sir, &c.

JOSEPH AMADO GREHON.

Hon. J. Q. ADAMS, Sec'y of State.

Table of the general values claimed on twelve joint claims, from No. 52 to 63, (which are all that, from the 14th of December, 1819, to the present time, have been legalized by the respective claimants,) with a classification of the ships which have been taken and robbed by pirates, and extracted from the particular tables of each ship, as follows, from F 2 to F 4.

Names of Ships.	Names of Captains.	Port of departure and destination.	Value of Ships.	Value of Freights.	Value of Goods.	Agio of Paper.	Premium of Sea risk.	Total Claim.	Interest.
2 Sta. Maria Vencedora	Jose Joaquim de Lima	Pernambuca to Lisbon	r	r	6,607r752	308r690	136r691	7,053r233	r
2 Luztania Filiz	John Jos. de Fonseca	In the Island Gratioto	4,000r000	r	15,870r000	r	r	19,870r000	r
2 D. Miguel Forjaz	Miguel Theotonio	From Rio to Lisbon	17,977r000	6,026r530	4,000r000	r	1,200r360	32,164r072	r
2 Nymph of Lisbon	Augustine dos Santos	From Lisbon to the Para	r	r	1,755r891	r	-	1,755r891	-
3 Lord Wellington	Alex. Jos. Rodriguez	do.	-	-	3,977r775	r	-	3,977r775	-
3 Monte Alegre	Josq. Jos. Gonsalvez	From Bahia to Lisbon	-	-	4,817r230	490r990	-	5,308r220	-
4 Raynhados Mares	Josq. de Silva Lima	do.	-	-	860r050	87r653	-	947r703	-
4 Luza	Jno. Borges Pamplona	Lisbon to Maranham	-	-	2,885r525	-	-	2,885r525	-
4 Globo	Th. de Va. Nova Ribro	Bombay to Lisbon	-	-	5,641r253	-	-	5,641r253	-
4 Logo the direi	Antonio Jose da Silva	Lisbon to Maranham	-	-	1,168r727	-	-	1,168r447	-
			21,977r777	6,026r530	47,583r723	887r333	1,337r351	80,772r119	2,959r405

Office of the General Accountant of the Royal Junta of Commerce, Agriculture, Manufactures, and Navigation, 27th July, 1820.
JOSEPH AMADO GREHON.
FRANCISCO MORATO ROMA, Accountant General.

Intercourse with Portugal.

[TRANSLATION.]

Abstract from the Procès verbal, &c.

PHILADELPHIA, December 4, 1820.

On the 5th of March, 1820, to the north of Cape St. Augustine, latitude $7\frac{1}{2}$ degrees south, the brigantine packet of His Most Faithful Majesty, named "The Infant D. Sebastiano," was attacked and pillaged by a brigantine pirate of American construction, with an "S" instead of a figure-head; armed with sixteen 24 pounders, and a crew of about a hundred men; the captain of which, who has lost a hand, the other officers, and three-fourths of the crew, are Americans, according to the formal evidence which has been given before the Intendant General of the Police of the Court and Kingdom of Brazil, by the officers, crew, and passengers of the packet brig, who, after having been outraged and pillaged, have returned, in the same brig, to Rio de Janeiro.

JOSEPH AMADO GREHON,
Chargé des Affaires of H. M. F. Majesty.

[TRANSLATION.]

Mr. Grehon to the Secretary of State.

WASHINGTON, April 1, 1822.

SIR: I am about to repeat, in writing, all that I had the honor to communicate to you in the interview of Saturday last, as well in compliance with your request, as on account of its being in conformity with the orders of my Government, of which Verissimo Antonio Ferreira da Costa, attached to the legation, was the bearer; and by which I am empowered to notify and show to the Government of the United States, and to the nation, what follows:

That the Portuguese Government has resolved to recognise the United States as its first ally, by a treaty which it is desirous of concluding, forthwith, for the purpose of giving every possible impulse to reciprocal commerce, and to the industry of the two nations, and to guard the national independence, which constitutes the most sacred of all rights, against the direct or indirect attacks of Powers unfriendly to the Constitution freely chosen by the people: but, as a fundamental principle of the said treaty, there should be a preliminary condition that the Government of the United States accede to the proposition made by the Chevalier Correa da Serra, Ex-Minister Plenipotentiary of Portugal, in his note of the 16th July, 1820, of having recourse to commissaries chosen by both Governments, for the purpose of arranging the indemnities justly due to Portuguese citizens, for the damages which they have sustained, by reason of piracies, supported by the capital and the means of citizens of the United States; an essential condition, which, in this way, repairing the past, secures also the future.

That the Portuguese States, in the four quarters of the world, can offer to the United States the most important advantages of commerce; the more so, because the relation which the Portuguese Government is disposed to establish with that of the United States, are founded in a perfect

union against the common enemies of their industry and of their independence.

But, if all efforts on the part of the Portuguese Government should be fruitless towards obtaining from that of the United States a just and reasonable indemnity, which England does not hesitate to make in analogous cases of unjust captures, the Portuguese Government is fully determined to resort to the right of reprisals, and to adopt proper measures to indemnify itself for the losses which have been occasioned to their commerce by the acts complained of, as it has been manifestly made to appear, in the face of the world, that unworthy citizens of the United States have been parties in this perfidious practice; and it is very certain that the Portuguese Government has it in its power to exercise reprisals against the United States, by granting to their rival Powers advantages in commerce, in cases in which it is disposed to give the United States the preference, if, acting in good faith, they make indemnity for the past and secure the future.

These are the earnest sentiments and views of the Portuguese Government, which have been communicated to me, with orders to make them known to that of the United States and to the nation. I have, therefore, the honor, sir, to communicate them to you for that purpose; and I shall be happy if the result of this communication, (which I expect from a just and liberal Government, such as is that of the United States,) may be conformable with the sentiments and the desire of the Portuguese Government.

I have the honor to be, &c.

JOSEPH AMADO GREHON,
Chargé des Affaires of Portugal.

The Secretary of State to Mr. Amado Grehon.

DEPARTMENT OF STATE,
Washington, April 30, 1822.

SIR: Your letter of the 1st instant has been submitted to the consideration of the President of the United States, by whom I am directed to assure you of the great satisfaction with which he has received the friendly declaration of the Portuguese Government towards the United States, and the disposition manifested by them to promote the mutual interests and the amicable intercourse between the two countries, by a treaty, founded upon principles favorable to the commercial relations and industry of both. The President desires that you would, in return, make known to your Government the sentiments of friendly reciprocity which animate the Government of the United States towards Portugal, and the earnest wish of the President that the relations of the United States with that nation may continue on terms of the most entire reciprocity. I am, at the same time, directed to state, that the proposition of the Chevalier Correa da Serra, in his note of the 16th of July, 1820, for the appointment of commissioners, chosen by both Governments, to arrange indemnities claimed by Portuguese citizens, for damages stated by them to have been sustained by reason of piracies supported by the capital and means of

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citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction, and out of the reach of its control. Of the numerous piracies which have, within these few years, annoyed the commerce of every maritime nation, a much greater number have been committed by the subjects of other Powers, than by citizens of the United States. The lawful commerce of the United States themselves have suffered by these depredations, perhaps, more than that of Portugal. When brought within the jurisdiction of the United States, the pirates have been punished by their laws, and restitution has been made to its owners, of property captured by them. Should any citizens of the United States, guilty of piracy, be captured by the Portuguese Government, the United States will, in no wise, interfere to screen them from punishment.

The citizens of the United States are amenable, also, to the tribunals of their own country, as the people of Portugal are to theirs, for any wrong done by them to the subjects of other nations. For acts of so aggravated a nature as piracy, the authority of the Government of the United States itself is not competent to withdraw them from the jurisdiction of their natural judges, or to subject them to a trial consisting partly of foreigners and without the intervention of a jury. These principles of protection and security to individual rights, are, doubtless, well understood, and will be duly appreciated in Portugal, under the liberal system of Government now established in her dominions.

The laws and tribunals of the United States are adequate to the punishment of their citizens, who may be concerned in committing unlawful depredations upon foreigners on the high seas, at least to the same extent as the laws and tribunals of other nations. The legislation of the United States upon this subject, was even rendered more severe and effectual for the suppression of such offences, during the residence here of the Chevalier Correa de Serra; and justice, conformably to the established principles of the laws of nations, has always been rendered by the courts of the United States to the Portuguese subjects, whose property, after capture by pirates or privateers, has been brought within the jurisdiction of this nation. It will continue to be so rendered in all cases which may occur hereafter.

Of the advantages to the commerce of the United States, in the four quarters of the world, which it may be in the power of the Portuguese Government to offer, it would be acceptable to receive a more particular specification, than is contained in your letter. The Government of the United States would then be able to judge of their value, and of the consideration with which they may be returned. It is not perfectly understood *who* are meant in your note, by the "common enemies of their industry and their independence," and I am directed to ask of you a precise explanation of that expression. The Government of the United States, while willing, cheerfully, to meet and re-

ciprocate any commercial arrangement with Portugal, propitious to the interests of both nations, will not solicit, and cannot grant, any exclusive favors, to the prejudice of any other Power whatsoever.

This principle, which has long been fundamental to the commercial policy of the United States, furnishes a reply to the latter part of your letter, which, in the case of a non-compliance with proposals, as I have informed you, cannot be accepted, threatens *reprisals* upon the United States, by granting to their rival Powers advantages in commerce, which you allege your Government is disposed to give the United States, on condition of what you call indemnity for the past, and security for the future.

The Government of the United States knows, that there is nothing, and has been nothing, in the relations between them and Portugal, which, by the laws and usages of civilized nations, could justify reprisals of any kind, by the latter against the United States. And, as I have assured you, that they desire no exclusive favors to the detriment of others, so they are fully persuaded, that upon further advisement, your Government will perceive that they cannot grant commercial favors to any other nation, to the detriment of the United States, without injuring their own subjects more than the people of this Union. Such, it is believed, would be the result of any experiment of reprisals, by granting exclusive favors to one nation, with the view to damage another. The party granting exclusive favors, is the party most severely punished.

Far more agreeable will it be to the Government of the United States to reciprocate, as heretofore, with that of Portugal, offices of kindness and good will, and to promote the friendly intercourse between the two nations, by a multiplication of good offices, and of all the sources by which the interests of both may be advanced.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, May 3, 1822.

SIR: I have the honor to inform you that I have just received your letter, which you addressed to me on the 30th of last month.

The explanation which you demand of me, and which I am to give you, according to what I meant by saying: "the common enemies of their industry and of their independence," and which appears to me to be clearly expressed, is this: all nations, in general, who act contrary to the two principles of our industry and of our independence.

I have the honor to be, sir, &c.,

JOSEPH AMADO GREHON,

Chargé des Affaires of Portugal.

HON. JOHN Q. ADAMS,

Secretary of State of the U. S.

Intercourse with Portugal.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, May 5, 1822.

SIR: I make it my duty to acquaint you, that, by the packet of the tenth of this month, I shall have the honor to remit to my Government a copy of your note of the 30th of April last, that it may understand, without delay, the sentiments of reciprocal friendship which animates the Government of the United States towards the Government of Portugal, and the great desire of his Excellency, the President, that the relations between the two nations may continue on terms of the most perfect cordiality; and, that I may, at the same time, be able to inform my Government of the principle well known and well understood, as you call it, as well as of other principles which you have developed in your said note; on which, I think that it would be well to say more, and that my Government will give the solution of it, if it judge proper to do so, and also the more particular specification which you desire; as for my part, I have only pointed out the sentiments and the views which now exist in the Portuguese Government, according to the orders which I have received in that regard.

I have the honor to be, sir, &c.,

JOSE AMADO GREHON,

Chargé des Affaires de Portugal.

Hon. JOHN Q. ADAMS,

*Secretary of State of the U. S.**Extract of a letter from General Dearborn to the Secretary of State.*

LISBON, August 28, 1822.

"When the Minister for Foreign Affairs called on me, soon after my arrival in the city, some observations occurred in relation to our late Treaty with France, which the Minister had not seen; and having a newspaper containing a copy of the Treaty, I gave it to him. He then mentioned our Treaty with Great Britain with approbation, observing that that treaty would be his model. Presuming, from his observations, that he did not possess a copy of it, I have had one fairly made out and presented to him. My principal motive for furnishing him with those copies, was, that of giving to the Minister and his Government a fair sample of the general policy and practice of our Government in regard to commercial regulations with foreign nations, and that it might operate as a preparatory step to a negotiation on commercial regulations. I shall consider the answer to my note as acquiescing in the hope expressed in my note, and inform him that I possess full powers for commencing negotiations for forming a treaty, or convention, regulating commerce between the United States and Portugal, and propose a personal interview as a preparatory step."

Extract of a letter from Mr. Dearborn to the Secretary of State, dated

LISBON, October 10, 1822.

"On the 3d of September, I had a conference

with his Excellency the [Secretary of] State for Foreign Affairs, by his appointment. Mr. Brent accompanied me as an interpreter; and, after some conversation on general topics, the Minister introduced the subject of the conference, and observed that a treaty for regulating the commerce between the two countries was very desirable on the part of Portugal, such as would be mutually advantageous. I then observed, that being empowered by the President of the United States, I was disposed to commence an arrangement on the subject of commerce as early as would be agreeable to him, and would propose our convention with Great Britain as a basis, with such additions as would be mutually advantageous to our countries, respectively, wishing only such conditions as would operate perfect reciprocity and mutual advantage, and that we did not desire any exclusive advantages or privileges; but, considering the great extent of the United States, with her numerous ports and diversity of productions, it would be expected, on the part of the United States, that the whole of the colonies of Portugal should be included in the arrangement, and that, in every respect, we should be entitled to whatever privileges or immunities are, or may be, enjoyed by the most favored nation. The Minister then observed, that he fully approved of the general principles, as stated by me, but intimated some doubts as to what might be proper in relation to the Brazils, under the existing circumstances and condition of that country; and suggested the necessity of leaving it out of the treaty, or to so modify whatever should relate to it, as would provide for any future change of circumstances. I observed that it might not be difficult to form an article that would apply to any change that might occur in that country; with which he appeared to acquiesce. He then inquired whether I was authorized to enter into any other kind of treaty; and, on my answering in the negative, he appeared (as I thought) to be pleased. He then proposed that I should make out a sketch of such a treaty, or convention, as would be satisfactory to my Government, that his Government might take it under consideration. I replied, that as we appeared to entertain similar views on the subject, it would be more desirable, on my part, that he would make out the outline of one that would be satisfactory to his Government. After some general observations, he proposed that we should each make out such a sketch as we, respectively, think proper; and to have another conference for the [purpose] of comparing our respective sketches, to which I readily assented. He then said, that as soon as he could lay the subject before the Council, he would prepare a sketch, and would notify me when we should have another meeting. And here our conference ended.

"I immediately made out the outlines of a convention, or treaty, a copy of which I have the honor of enclosing; and I have waited for an invitation to the proposed interview, but have not yet received any such notice; but knowing how constantly this Government has been occupied, for some time past, with concerns of the highest

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interest and importance, I am disposed to make all reasonable allowance for the delay of a second conference."

Project of a Convention.

ARTICLE 1. There shall be, between the whole of the territories of the United States of America, as now existing, or as they may hereafter exist, and all the territories of His Most Faithful Majesty, in Europe and elsewhere, as existing at this time, or as may hereafter exist, being under their control, respectively, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers, in any of the territories aforesaid, to which any other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores, for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their persons and commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No higher or other duties shall be imposed on the importations into the United States of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's territories, in Europe or elsewhere, and no higher or other duties shall be imposed on the importation into the territories of His Most Faithful Majesty, in Europe or elsewhere, of any articles, the growth, produce, or manufacture of the United States, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles, to the United States, or to His Most Faithful Majesty's territories, in Europe or elsewhere, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture, of the United States, or of His Most Faithful Majesty's territories, in Europe or elsewhere, or to or from the United States, which shall not extend to all other nations.

No higher or other duties or charges shall be imposed, in any of the ports of the United States, on Portuguese vessels, than those payable in the same ports by vessels of the United States, nor in any of the ports within the territories of His Most Faithful Majesty, on vessels of the United States, than shall be payable in the same ports on vessels belonging to the dominions of Portugal, in Europe or elsewhere.

The same duties shall be paid on the importations into the United States of articles, the growth, produce, or manufacture, of the dominions of His Most Faithful Majesty, in Europe or elsewhere, whether such importations shall be in vessels of

the United States, or in vessels of Portugal or any of her colonies; and the same duties shall be paid on the importations into any of the ports of Portugal, or her colonies, of any articles, the growth, produce, or manufacture, of the United States, whether such importations shall be in vessels of Portugal or her colonies, or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the importation of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's dominions, in Europe or elsewhere, to the United States, whether such exportations shall be in vessels of the United States, or in vessels of Portugal or her colonies; and the same duties shall be paid, and the same bounties be allowed, on the exportation of any articles, the growth, produce, or manufacture of the United States, to the territories of His Most Faithful Majesty, in Europe or elsewhere, whether such exportations shall be in vessels of the dominions, in Europe or elsewhere, of His Most Faithful Majesty, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country, respectively, the amount of the said drawback shall be the same, whether the said goods shall have been originally imported in a vessel belonging to the dominions of Portugal or her colonies, or a vessel of the United States; but when such re-exportation shall take place, from the United States in a Portuguese vessel, or from the dominions of His Most Faithful Majesty, in Europe or elsewhere, in a vessel of the United States, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing in such case, the amount of the said drawback.

ART. 3. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other reasons for the same.

Extracts of a letter from Mr. Dearborn to the Secretary of State, dated

LISBON, December 13, 1822.

"From the apparent intentional delays on the part of this Government, in relation to the proposed commercial regulations between the two countries, combined with the existing state of affairs of this country, I am satisfied that I must expect further delays. The relations respecting Brazil; the completion of the organization of the Government under the new constitution; the refusal of the Queen to subscribe and swear to the

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constitution as the law directs; and negotiations with Spain, for forming a treaty of alliance, together with the anxiety which generally prevails, in regard to what may be the result of the deliberations of the Congress at Verona, all conspire to afford an apology for the delays above referred to."

"Mr. Correa was appointed by the King to negotiate a treaty with me, of which I was informed by the Secretary of State, on the 20th day of October, but having been elected a member of the Cortes, he declined the appointment, and although the Secretary of State assured me that some other person would be soon appointed, no appointment has yet been made."

Extracts of a letter from General Dearborn to the Secretary of State, dated

LISBON, January 30, 1823.

"I embrace the opportunity of adding to my other communication, by informing you, that I have had two meetings with the Count da Lapa, who has been appointed Plenipotentiary on the part of Portugal, for negotiating and completing a commercial treaty with the United States; and having exchanged our full powers, a conversation ensued, in which, the Count expressed sentiments fully according with those heretofore expressed by Mr. Pinheiro, Secretary of State for foreign Affairs, as noticed in the letter I had the honor of writing to you, on the 13th of December, which induces a reasonable hope, that a satisfactory arrangement may be effected; but I am not without some doubts as to its being the real intention of this Government to conclude a treaty immediately, although the Secretary, but a few days since, verbally assured me, that there existed no obstacle in the way of a speedy conclusion of such a convention or treaty as would be mutually satisfactory. It must very soon be ascertained, whether words and actions so fully correspond as would be desirable.

"We shall have another conference within a few days, when I shall be able to ascertain, with more certainty, how our ideas correspond with each other. Having at his desire, furnished him with the basis and outlines of such a treaty, as would be satisfactory to the United States, he will, of course, express his opinion at our next meeting on the basis and outlines by me proposed, by which it may be understood whether we shall be likely to succeed ultimately, or not, in a satisfactory arrangement."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, February 20, 1823.

"The Count da Lapa has agreed to the basis I had proposed for the treaty; but, by his instructions, he considers it necessary to divide the treaty into three distinct heads, viz: navigation, commerce, and persons, and he has agreed to furnish me immediately with a sketch of the first head, and soon after, with the second. I have some doubts whether his second part will be acceptable,

but I hope that, within a few days, my doubts may be removed. He does not appear to be in any haste, and I have an opportunity for the full exercise of my stock of patience.

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, March 3, 1823.

"I have not yet heard from the Count da Lapa, since the 10th ultimo, when he agreed to make out the form of the first head of the treaty, and call on me within the course of that week; but, subsequently to our last meeting, a report was made to the Cortes, on the subject of the present existing treaty with England, particularly in relation to the article which stipulates that certain English manufactures should be admitted into Portugal, on paying a duty of fifteen per cent. on their cost. The report concluded by saying that, under existing circumstances, the Portuguese Government have the right to suspend the operation of the article alluded to, until new negotiations should be had on the subject. The report was sanctioned by a vote of the Cortes. I presume that the discussion of this subject, by a committee, and by the Cortes, has occasioned the long delay on the part of the Count da Lapa. By the above-mentioned report, it appears, that negotiations have been going on between Portugal and Great Britain, for some time, with a view on the part of the former, of effecting such alterations in certain parts of the existing treaty, as would enable her to enter into such liberal and reciprocal commercial treaties with other nations, as would be acceptable. But it appears, by the said report, that England, as might be expected, is very unwilling to relinquish any of the exclusive advantages she now enjoys, under the present treaty; and I am persuaded, that this Government still finds itself embarrassed by certain stipulations in her treaty of 1810, with Great Britain, and that, to that source, the long delays I have experienced are to be principally attributed. I am satisfied, however, that the Government is very earnestly engaged in endeavoring to effect such arrangements with England, as may be necessary for preparing the way for a liberal and reciprocal treaty with the United States."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, March 24, 1823.

"Our negotiation has been suspended for some time, and will not, I presume, be recommenced until the present unfortunate affair shall be decided."

Extract of Despatch, No. 9, from General Dearborn to the Secretary of State, dated

LISBON, June 4, 1823.

"Nothing unfavorable to a speedy completion of the proposed commercial treaty has occurred for several months past, and I have waited with a hope that the repeated assurances of the late

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Minister might be verified, until a counter revolution has been actually effected, and the King again restored to absolute power. It is very evident that the concluding of any commercial regulation with this Government, such as could be acceptable to the United States, will be procrastinated, so long as this Government shall continue to consider the friendship of Great Britain as essential to its safety. I shall endeavor, as early as possible, to learn the disposition of the King and his Minister, in relation to the renewal of the negotiations, and the probability of a satisfactory result."

Extract of Despatch, No. 10, from General Dearborn to the Secretary of State, dated

LISBON, June 29, 1823.

"I have now the honor of transmitting copies of my correspondence with the late Minister and Count de Lapa. I have not had any other correspondence with the present Minister of Foreign Affairs, Count Palmella, than that of receiving a note from him announcing his being the Secretary of State for Foreign Affairs, to whom I should, in future, address any communication I might have occasion to make to his Government, and my answer, together with a ceremonious call upon him, and have no means of ascertaining the present disposition of this Government in relation to commercial arrangements with us, excepting the assurance of the King, which I noticed in my last letter."

Copy of a letter from Mr. Dearborn to the Count de Lapa.

LISBON March 8, 1823.

SIR: Being quite at leisure, I take the liberty of giving you an historical sketch of the pending negotiations between the United States and Portugal.

Considering the facts and circumstances set forth in it, combined with the recent report of a committee to the Cortes on the subject of the existing treaty with Great Britain, I cannot avoid being impressed with a belief that, owing to these or other circumstances, the present time is not considered as propitious by this Government for concluding such a treaty with the United States as has been contemplated; and as I am not authorized, nor inclined, to urge the conclusion of a treaty on your Government, I am induced to suggest, with candor, the expediency of an entire suspension of the negotiation, as preferable to such a protracted one as may probably extend beyond the term of my mission. I beg leave, at the same time, to assure you, that this frank communication is entirely unassociated with the slightest unfriendly feelings, or with any disposition to censure, or complain; being satisfied, as I am, that His Most Faithful Majesty and his Government are disposed to act, not only with good faith, but in the most friendly manner, to the United States.

I renew the assurances, &c.

HENRY DEARBORN.

To the COUNT DE LAPA, &c.

SKETCH.

Soon after my arrival here, I received information from his Excellency, Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, showing a desire on the part of His Most Faithful Majesty's Government for entering into liberal arrangements with the United States in relation to commerce, with a disposition for drawing closer the bonds of friendship between the two nations. After informing his Excellency that I possessed full power for negotiating and concluding such commercial arrangements, we had a conference, in which it was agreed that we should adopt for a basis of a treaty, the general principles of the late treaty, or convention, between the United States and Great Britain; and ultimately agreed, that each of us should make out a sketch of such a treaty, as would be in conformity with the convention above alluded to, and would be satisfactory to our respective Governments; and within a few days I was to be notified of another meeting, for the purpose of comparing our sketches of a treaty; this was on the 3d of September. On the 20th of October, I received information from his Excellency the Secretary of State, that His Majesty had appointed the Commandeur Correa de Serra, as a commissioner to treat with me. I immediately answered the note, and observed, that I should, with pleasure, meet the Commandeur Correa de Serra at such time and place he should please to appoint. I heard nothing from the Commandeur; and on the 24th December I received a note from the Secretary of State, informing me of the appointment of the Count de Lapa, as Plenipotentiary to treat with me. In the mean time, I had a conference with his Excellency the Secretary of State, and informed him, that I had written to my Government to the following effect: That I had reason to believe, from the long suspension of the negotiations, that this Government found itself so embarrassed with the affairs of Brazil, the organization of the several departments of the new Government, with negotiations with Spain, and by the existing treaty with Great Britain, as might be considered a reasonable excuse for postponing the negotiations with me, at least for a time. I then observed to Mr. Pinheiro, that neither my instructions, nor my own feelings, would allow me to urge his Government to a conclusion of a treaty; and that I had not made the statement to my Government by way of complaint. Mr. Pinheiro explicitly replied to my observations in detail, and declared, that neither of the circumstances I had mentioned, formed any obstacle to the conclusion of the proposed treaty between Portugal and the United States; and that the Count de Lapa would, within a few days, recommence with me the negotiations. The Count very soon called on me; and, as was proposed by him, it was agreed that the conferences should be held at my house. A day was appointed for the exchange of our respective full powers; and after the exchange of powers, a day was agreed on for a conference, and I, at the same time, delivered to the Count my sketch of a treaty, and on the tenth

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of February had a meeting, and discussed the subject generally, and mutually agreed to adopt the sketch I had made out, with some unimportant exceptions; which exceptions we agreed to and minuted. The Count de Lapa having proposed a regular division of the treaty into three heads, to wit: Navigation, Commerce, and Persons, I made no objection, and he agreed to make out the form of the first head, which he proposed showing to me in the course of that week. It is now the 8th day of March, and I have not had the honor of hearing from the Count since the 10th of February.

HENRY DEARBORN.

The Count de Lapa to Mr. Dearborn.

The undersigned has the honor of informing his Excellency General Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States, of His Most Faithful Majesty's inviolable desires for the conclusion of a treaty with the United States. The same reasons that have been expressed to H. E. of there being no difficulties to its conclusion subsist, and the state in which the negotiation may be considered to be, is an incontestable proof of it. The good faith with which His Majesty praises himself, of corresponding to the sentiments of the Government of the United States, and its not urging for the brevity, have retarded the proceedings, where extraordinary concurrences have happened.

This frank declaration seems to the undersigned as answering the different points mentioned by His Excellency in his letter and historical sketch of the negotiation.

The undersigned avails himself of this opportunity to renew the assurances of his particular esteem and perfect consideration.

THE COUNT DA LAPA.

LISBON, March 12, 1823.

[The original of this letter is in English.]

Mr. Dearborn to Mr. Penheiro, Minister of Foreign Affairs.

LISBON, April 18, 1823.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, near His Most Faithful Majesty, having very recently seen what is stated to be a decree of His Most Faithful Majesty, dated March 12, 1823, relating to the treaty of 1810, between Portugal and Great Britain, and particularly to the fifteenth article of the said treaty: The confidence which he has, in the candor of his Excellency Mr. Penheiro, Minister of Foreign Affairs, induces him to take the liberty of asking his Excellency whether this decree, or the pending negotiations of the new treaty between Portugal and Great Britain, referred to in the decree, will interfere in any manner with the negotiations respecting the treaty between Portugal and the United States, which has been proposed, and to a certain extent mutually agreed on.

If, from the above-mentioned decree, or from

the pending negotiation with Great Britain, or from any other consideration, a temporary suspension of the negotiation between Portugal and the United States would be convenient to the Government of His Most Faithful Majesty, the undersigned will readily acquiesce in such a suspension.

The undersigned renews to his Excellency the assurance of his high consideration and particular esteem.

HENRY DEARBORN.

[TRANSLATION.]

Mr. Silvestre Penheiro Ferreira to General Dearborn.

The undersigned, Minister and Secretary of State for Foreign Affairs, having before him the note of General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States of North America, under date of the 18th of last month, takes pleasure in repeating to His Excellency what he had verbally the honor of affirming to him twice before, when his Excellency made him the same request; besides what a short time since the Count de Lapa had orders to repeat, in answer to a letter which his Excellency addressed to him upon the same subject, dated the 8th of March last, agreeing in this point entirely with the Government of the United States, in regard to the importance of the treaty in question.

The undersigned, on this occasion, renews to his Excellency the assurances of his perfect consideration.

S. PENHEIRO FERREIRA.

Office of the Secretary of State for Foreign Affairs, May 2, 1823.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, July 15, 1823.

"Having obtained no satisfactory information from the present Government, in regard to its disposition in relation to commercial regulations, I addressed a note to the Marquis de Palmella on the 8th instant, a copy of which I have the honor of enclosing, (No. 1.); and on the 12th I received an answer, a copy of which is also enclosed, (No. 2.)"

No. 1.

Mr. Dearborn to his Excellency the Marquis de Palmella, Minister and Secretary of State for Foreign Affairs to His Most Faithful Majesty.

SIR: Presuming that your Excellency has been made acquainted with the measures which have been pursued in relation to a commercial treaty between His Most Faithful Majesty and the Government of the United States of America, and of course, with the basis and principles agreed on by the Count de Lapa on the part of His Most Faithful Majesty, and by the undersigned on the part of the United States: The undersigned will esteem it as a favor to be informed, as early as

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may be quite convenient to your Excellency, what may be the present disposition of His Most Faithful Majesty's Government, in relation to a completion of such a commercial treaty between the two countries as has already to a certain extent been mutually agreed on.

Be assured, sir, that it is with the greatest pleasure, that the undersigned embraces the present occasion for presenting to your Excellency his most respectful and friendly regards.

HENRY DEARBORN.

[TRANSLATION.]

The Marquis de Palmella to General Dearborn.

The undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, having received the note which, of the date of the 8th instant, General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the Government of the United States of America, addressed to him, relative to the intended commercial treaty between His Most Faithful Majesty and the Government of the same United States, has to answer His Excellency, that the present events not having yet permitted a full investigation of this business to be made, the undersigned will, as soon as possible, apply himself to it, and then will have much satisfaction in inviting His Excellency to a conference.

Upon this occasion the undersigned repeats to Sen. Henry Dearborn, the assurances of his particular esteem and perfect consideration.

Office of the Secretary of State for Foreign Affairs, 10th July, 1823.

PALMELLA.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

"LISBON, July 21, 1823.

"By the request of the Marquis of Palmella, I waited on him on the 15th instant; his manner and deportment was pleasing; he observed that he had been so constantly occupied with business hitherto, as not to have had it in his power to examine the correspondence in relation to the proposed commercial treaty between Portugal and the United States, but that certainly he would attend to it very soon; and that whatever commercial regulations might be framed between the two countries, to be useful and durable, must be perfectly reciprocal; and that he thought the late treaty between the United States and Great Britain a good model."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated

"LISBON, October 25, 1823.

"Having received no intimations from this Government, of a disposition for recommencing negotiations for a commercial treaty, I begin to doubt whether any further progress may be ex-

pected; but a few months more must afford sufficient time for either completing what has so long since been begun, or for ascertaining the real dispositions of this Government on the subject."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary United States, at Lisbon, to the Secretary of State, dated

LISBON, November 7, 1823.

"The vessel by which my other letters will be conveyed, not having sailed, I have concluded to profit by the delay, by writing a note to the Marquis Palmella, as my probable last effort for drawing from him the real disposition and intention of this Government, in relation to a renewal of the negotiation for a commercial treaty; a copy of which note I have the honor of enclosing. I hope I may receive his answer, before the vessel sails, so that I may have the honor of enclosing it with my other letters; if not, I will forward it by the earliest opportunity."

General Dearborn to the Marquis of Palmella, Counsellor of State, Minister and Secretary of State, for Foreign Affairs.

LISBON, November 7, 1823.

SIR: Several months having elapsed since your Excellency was pleased to say, that you would, as soon as possible, look over the papers relating to the commercial treaty, which had, to a certain extent, been mutually agreed on, by the Count de Lapa, on the part of His Most Faithful Majesty, and myself, on the part of the United States, and that you would give me early notice of your having examined the subject; and your Excellency was pleased to express an opinion that a treaty, on the basis of our treaty with Great Britain, would be most desirable; I at the same time informed your Excellency, that my Government did not wish me to press this Government on the subject of a treaty, but if it should find it inclined to enter into literal and reciprocal arrangements, to show an equal desire on my part, for forming a treaty on the basis of the late treaty between the United States and Great Britain. I have, therefore, waited for a communication from your Excellency, as proposed at your last conference at your Excellency's office; but not having received any intimation of a desire on the part of His Most Faithful Majesty's Government to renew the negotiation, I conclude that I may now with propriety state to my Government that there is very little, if any, probability of effecting any commercial arrangement with this Government within the probable term of my mission. My motive for communicating the foregoing observations to your Excellency, is no other than that of merely placing the subject once more before your Excellency, in a plain and candid manner, free from any complaint on my part, or a disposition to urge the renewal of the negotiation.

I renew to your Excellency the assurance of my distinguished consideration and respect.

HENRY DEARBORN.

Intercourse with Portugal.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, November 27, 1823.

"On the 12th instant, I received a note from the Marquis de Palmella, in reply to my note to him of the 7th, of which I had the honor of enclosing a copy in my letter to you of the 9th. The Marquis proposed a conference on the 14th, at his office; I waited on him accordingly; he very candidly admitted that, previous to the expiration of the term of the fifteen years stipulated in their treaty with England, concluded in June, 1810, and to such modifications of said treaty as would remove the obstacles now existing, to a satisfactory arrangement with the United States, the Government of His Most Faithful Majesty could not, with propriety, form any such treaty with the United States, as is desirable, but that we might, nevertheless, form a short convention, merely relative to navigation, which would be a commencement of such a friendly and reciprocal arrangement as both Governments desired, which should be on the basis of our convention with Great Britain. I agreed to make a sketch of such a short convention, relating to navigation, as he had proposed, and accordingly made out one and sent it to him on the 19th, a copy of which I have the honor of enclosing. I met the Marquis on the 22d, when he assured me that, within a very few days, he would communicate to me the result of His Majesty's decision on the sketch I had proposed. I doubt whether the 3d article will be considered as admissible at present, and whether we shall ultimately agree on any thing that will be of much consequence; but, by the 1st and 2d articles, some advantage would be gained, as we have so great a number of vessels entering the ports of Portugal, compared with the Portuguese vessels that enter the ports of the United States."

Project of a Treaty.

ARTICLE 1. There shall be a reciprocal liberty of navigation and commerce between the United States of America and the Kingdom of Portugal, and such of her colonies as any other foreign nation are or shall be allowed to carry on commerce with.

The inhabitants of the countries, respectively, shall have liberty freely and securely to come with their vessels and cargoes to all such places, ports, rivers, and harbors, in their respective territories, to which any other foreign vessels are or shall be permitted to come; to enter into the same, and remain and reside in any parts of the said territories respectively; also, to hire and occupy houses and stores for the purpose of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, persons, and property, but subject always to the laws and statutes of the two countries respectively.

ART. 2. No higher tonnage, anchorage, light money, or other charges of any kind, shall be imposed on vessels belonging to the subjects of His

Most Faithful Majesty, on entering any of the ports of the United States, whilst remaining in port, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to citizens of the United States arriving from foreign ports, other than those belonging to the United States. Nor shall any higher tonnage, anchorage, light money, or other charges of any kind, be imposed on vessels belonging to citizens of the United States on entering any of the ports of Portugal, or such of her colonies as foreign vessels may be allowed to enter; or while remaining at, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to the subjects of His Most Faithful Majesty, arriving from foreign ports, other than those belonging to the dominions of His Most Faithful Majesty.

ART. 3. No higher duties shall be paid on articles the growth, produce, or manufacture of Portugal, or such of her colonies as vessels of the United States shall be allowed freely to trade with, being imported into the United States in vessels belonging to Portugal or her colonies, as aforesaid, than would be paid on similar articles imported into the United States in vessels of the United States. Nor shall any higher duties be paid on articles the growth, produce, or manufacture, of the United States, being imported into Portugal or her colonies, as aforesaid, in vessels of the United States, than would be paid on similar articles imported in vessels of Portugal or her colonies, into the ports of Portugal.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party, but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government of the country to which he is sent, such consul may be punished according to law, if the laws will reach the case, the offended Government assigning to the other the reasons for the same.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, January 26, 1824.

"Since the date of my letter of the 27th of November, in which I had the honor of enclosing a sketch of a short convention, as proposed by the Marquis de Palmella, I have heard nothing from him on the subject; and, under existing circumstances, I have not deemed it expedient to press the subject any further, or to attempt to refresh his memory; being fully satisfied that, whatever might have been his own views, he has found such insurmountable obstacles to carry them into practical effect, as has compelled him to be silent. I am fully convinced that there remains no probability of effecting any satisfactory arrangement with this Government at present."

Extract of a letter from General Dearborn to Mr. Adams.

LISBON, March 4, 1824.

"I have received no intimation from the Marquis de Palmella, in relation to the proposed convention, since the date of the last letter I had the honor of writing to you; nor is it probable I shall; of course I am quite at leisure.

"I have not yet received the copies of the regulations of the custom-houses of Portugal, and her colonies, which I had expected to receive as early as the first of December.

"I am now anxiously looking for the President's permission to return home, as early as I proposed in my former letters."

COMMERCE WITH GREAT BRITAIN.

Report of the Committee on Commerce, made to the House, May 22, 1824.

The Committee on Commerce, to which has been referred a resolution "instructing them to report to this House whether any law exists in contravention of the provisions of the convention of the 3d of July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing, by law, any duties or port charges on American commerce and tonnage, which Great Britain may lay thereon, in her colonies, or elsewhere," report:

That, having bestowed on the first part of the resolution the consideration due to its importance, take leave to state to the House, that no law has been passed, by Congress, which contravenes or violates any provision of the convention subsisting between the United States and Great Britain. They regret, however, to find that an opinion is entertained by the British Government, that the act of Congress, passed the 27th of April, 1816, entitled "An act to regulate the duties on imports and tonnage," in imposing a higher duty on iron, manufactured by rolling than on hammered iron, contravenes the provisions of that convention, on the ground that the duty operates exclusively on iron manufactured by that mode in Great Britain. Were the facts on which this opinion rests established, the committee do not think they would, giving to the convention either a strict or liberal construction, warrant the inference.

From the views taken of this subject by the committee, they are much gratified in being relieved from the necessity of going into a long and elaborate argument on that point, by stating, that the facts set forth and relied on by the British Government, to support the position taken by it, will not enable it to maintain, successfully, that position, as will satisfactorily appear, by reference to the report of the Secretary of the Treasury of the 11th of February, 1824, stating the imports into, and exports from, the United States. That report informs the committee, that iron, manufactured by rolling, is an import into the United

States, not only from Great Britain, but also from Sweden, Russia, and other countries. During the last fiscal year, ending the 30th of September, 1823, 27,700 cwt. of iron, manufactured by rolling, was imported from Sweden, and 2,003 cwt. from Russia, which iron was subjected to the payment of one dollar and fifty cents per hundred weight.

These facts, therefore, evidently and conclusively show that iron manufactured by rolling is not, according to the position taken by the British Government, a manufacture exclusively British. One, among many reasons, which influence Congress to impose a higher duty on rolled than on hammered iron, was the inferiority of the former to the latter, in use and quality. Mr. Stratford Canning, in his letter to Mr. Adams, Secretary of State, November 26, 1821, says: "Any difference of use or quality, resulting from the mode of manufacture, may indeed constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance." That a difference, in use and quality, does exist, which Mr. Canning admits to be a fair ground of distinction, is known to every blacksmith, and to every man who has used it. Every man of judgment gives the preference to hammered iron, because it is freer from dross or impurities than the rolled; and because, whatever articles are made of the former, are not only better, but more durable. The allusion made by Mr. Canning to Mr. Whitney's saw gin, and his comparison of that machine to the machinery employed in rolling iron, is an ingenious effort to get over a puzzling difficulty, by attempting to make things similar which have in them nothing common to each other, on which to found a similitude. It is known, and it not unfrequently happens, that the importance of the interest threatened to be attacked, produces a solicitude for its security, which often occasions its advocates, more zealous to preserve it from injury than judicious in their defence of it, to surrender, unwarily, the vantage ground. Aware of this, the committee have given to the suggestion, or allusion of Mr. Canning, all the consideration it merits, and have satisfied themselves, on investigating it, that it does not support him in the argument he founds on it. The machinery employed in rolling or manufacturing iron, requires, to use it properly, expert and skilful workmen, disciplined in that business, and also the constant and vigilant attention of an intelligent superintendent, to make that mode of manufacturing iron succeed. But Mr. Whitney's saw gin, how happy soever the invention may be, or how much credit soever it may reflect on his genius, is so simple in its construction, so easily worked and managed, that negroes, in the Southern States, are employed to work it, and the effect of its operation is not to produce a change in the use or quality of the cotton, by that mode of separating the cotton from the seed; for, after the process is completed, the cotton is as much a raw material as iron ore is, when taken from the mine.

The ports of the United States have been open,

generally, to the introduction of British manufactures, before and since the convention, on principles of amity and liberality; and the committee are not a little surprised to find that the Government of the United States should be charged with giving to the convention an astuteness of construction incompatible with its provisions, especially when the ports of His Britannic Majesty in Europe are closed against the introduction of the staple articles of the Eastern and Middle States. Will the Government of Great Britain allow the importation into Great Britain of cotton and wool cards, and cut nails, manufactures of the United States, on the ground that those articles are manufactured exclusively in the United States, by machines, the invention of ingenious citizens? Or does it allow, on any terms, the importation of those articles into Great Britain? The statutes of that kingdom will give the answer and the commentary. In short, on which side soever the committee look, they see the industry and enterprise of the citizens of the United States subjected by British policy to prohibitions or restrictions, that are not retorted by the Government of the United States, on the industry and enterprise of British subjects. From the views which the committee have taken on this subject, they cannot recommend to the House any alteration or modification of the act of Congress imposing a higher duty on iron manufactured by rolling, than on that prepared by the hammer.

As to the second part of the resolution, the committee respectfully state, that, although the commerce and navigation of these United States with the British West India islands, experience many embarrassments, and are subjected to high duties and charges, to which the commerce and navigation of those islands are not liable in the United States, yet the committee forbear at this time to recommend the adoption of any countervailing measure, as the points of difference in relation to this subject are in negotiation between the two Governments.

The committee, having performed the duty assigned them, respectfully submit to the House the following resolution:

Resolved, That the committee be discharged from the further consideration of the resolution referred to them.

Mr. Canning to Mr. Adams.

WASHINGTON, Nov. 25, 1822.

SIR: The approach of another session of Congress induces me to remind you of the correspondence which I had the honor of addressing to you last year, by the express commands of my Government, on the subject of the unequal duties levied on rolled and hammered iron, according to the tariff which is now in force. Being aware that the correspondence in question has been communicated officially to Congress, and that the consideration of it by that assembly has been deferred only in consequence of the great pressure of business at the close of the last session, I confine myself at present to requesting your good offices that,

as far as depends upon the Executive Government, this matter may be brought, in the course of the ensuing session, to a just and satisfactory conclusion.

I beg, sir, that you will accept the assurance of my perfect consideration.

STRATFORD CANNING.

Hon. JOHN Q. ADAMS, &c.

Mr. Canning to Mr. Adams.

WASHINGTON, March 17, 1823.

SIR: Not having the honor to hear from you during the late session of Congress, or since its close, respecting the equalization of the duties on British rolled and hammered iron, imported into the United States, on which subject I have frequently had occasion to address you, it becomes my duty to request a communication of the intentions of the American Government on this point, for the information of His Majesty's Ministers. The message which was sent down to Congress last year, by the President of the United States, together with the correspondence relative to the duties on rolled and hammered iron, afforded a reasonable expectation that the many strong facts and arguments, repeatedly urged against the existing discrimination in the duties on those articles, had at length produced their just effect, and that the American Legislature would hasten to pass an act for placing the duties in question on a footing consistent with a fair and equitable construction of the commercial treaty.

In ignorance of the circumstances, if any, which may have prevented this expectation from being realized, I cannot but hope, sir, that your occupations will admit of my being honored with an early answer to this letter.

I avail myself of the opportunity to repeat to you the assurance of my most distinguished consideration.

STRATFORD CANNING.

Mr. Addington to Mr. Adams.

WASHINGTON, Nov. 20, 1823.

SIR: It is now seven years since, in pursuance of instructions from His Majesty's Secretary of State, the first representation was submitted by the British Minister, resident in this Capital, to the Government of the United States, against the unequal and unjust duties laid on British rolled iron, imported into the United States.

Since that time the subject has been repeatedly brought under their consideration, as well as under that of the Supreme Legislative body.

It has been presented in so many lights, and all the arguments in support of the claim advanced by the British traders to be exonerated from those duties, have been so often, and so unanswerably pressed, that it would be presumption in me to attempt to add any thing in support of a cause advocated by persons so much more capable, by their weight and ability, of doing justice to it, than myself.

I feel, therefore, sir, that, as far as regards the

discussion of the merits of the question, I cannot do better than refer you to Mr. Stratford Canning's letter, to yourself, dated November the 26th, 1821, in which the subject is handled with a clearness and soundness of logic difficult to surpass, and which must carry conviction to every candid and unprejudiced mind.

Setting aside, then, all further argumentation of the question, I shall content myself with appealing, which I do with confidence, to the feelings of integrity and justice which animate the Government of this country, for the exertion of its powerful influence with the Legislature, in order to procure the revision of an act passed under an erroneous impression, or rather total misapprehension of the subject.

That act is manifestly contrary to the spirit, indeed, to the letter, of the convention, concluded in 1815, between Great Britain and the United States, in which it is stipulated, that *like* duties shall be reciprocally leviable upon *like* articles. No mention is therein made of the specific mode of manufacturing those articles.

By imposing an extra duty on rolled iron, between which, and that produced by hammering, it is now proved that, if there exist any difference in quality, that difference is in favor of the former, a shackle is placed on the hands of genius and invention, and a premium offered for the discouragement of science. But surely, sir, this war against useful innovation and improvement is altogether unworthy of a nation distinguished by its love of novelty, by its rapid progress in the arts, and by the native vigor, and inventiveness of mind, of its inhabitants.

If Great Britain, instead of allowing in her own markets to the manufactures of the United States a fair and free competition with those of other nations, were, by a forced construction of the terms of her conventions to burden with oppressive duties such of the articles of the former as, being the produce of the creative talents of their citizens, evinced in the superiority of their machinery, enjoy thereby an advantage over "the like," wares of other countries, would she not render herself justly obnoxious to the imputation of injustice, and illiberality? And yet, sir, this is but the course which the United States have adopted with regard to the iron manufactures of Great Britain.

* But I am persuaded that this course is not accordant with the genuine feelings of the country: that the duties in question were originally imposed by Congress, under a misapprehension of the real merits of the case; that those merits being once well known, and duly appreciated, as they must now be, the appeal made to the candor of a body so distinguished by integrity, and liberality of sentiment, as the Congress of the United States, will not be urged in vain; and that the inventive genius of Great Britain will be allowed to secure to her manufacturers those honest profits to which they are so justly entitled.

I have only to add, sir, the expression of my hope, that you will lose no time in submitting to Congress, as shortly after its convocation as may

be expedient, the application now made in behalf of the British iron merchants, and that you will lend it the powerful aid of a recommendation from the Government, that the subject may be taken by that body into their immediate consideration.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. J. Q. ADAMS, *Sec'y of State*

Mr. Addington to Mr. Adams.

WASHINGTON, *March 4, 1824.*

SIR: I take the liberty of calling your attention to a letter which I had occasion to address to you on the 20th of November last, to which I have not as yet had the honor of receiving an answer, in which I requested the interposition of the Executive Government with the Houses of Congress, for the purpose of procuring an equalization of the duties on British iron.

In a conversation which, posterior to the date of that letter, I had the honor of holding with you, I received an assurance that, although no step in furtherance of the above object had, at that time, been taken by the Government, yet, as soon as the question of the tariff should be brought under the consideration of the Legislature, my wishes should be attended to.

It was with no small mortification that I learnt, yesterday, that the subject of the duties on iron had been already brought to an issue unfavorable to the just demands of the British Government; and *that*, without any formal intervention in favor of those demands having taken place on the part of this Government with the House of Representatives. I have also been assured that, had such an intervention taken place at the proper time, the point desired would, in all probability, have been carried.

I have now, therefore, the honor of addressing you once more upon this subject, and of submitting a request, in the name of His Majesty's Government, that the President will be pleased to recommend to the Senate the consideration of this matter, in order that, according to the express terms of the commercial treaties existing between the two countries, the iron manufactures of Great Britain may be placed upon a footing of strict equality with those of the nations which, in the existing state of things, enjoy an undue advantage over the former.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. JOHN Q. ADAMS, &c.

Mr. Addington to Mr. Adams.

WASHINGTON, *May 5, 1824.*

SIR: Agreeably to your desire, as expressed to me yesterday, I have the honor to transmit to you, herewith, the copy of a despatch, which I have recently received from His Majesty's Secretary of State for Foreign Affairs, relative to the unequal duties levied in this country upon rolled iron, the manufacture of Great Britain.

State of the Sinking Fund.

In this despatch you will perceive, sir, that I am instructed to press this subject once more, and in the most earnest manner, upon the attention of the American Government, and to represent to them, that, in case a claim, founded upon the clearest grounds of right and equity, be still disregarded by the Legislature of the United States, it must become a question for the consideration of His Majesty's Government. whether, in justice to the interest of Great Britain, it may not be expedient to act upon the principles laid down by the United States themselves, by considering their cotton, which stands in precisely the same relation to that of other countries, as the iron of Great Britain to foreign iron, as a manufactured article, and subjecting it as such, to a higher rate of duty than is charged on other cotton, which has not been cleansed by machinery.

I trust, sir, that the Legislature of the United States, by candidly admitting the validity of the claim advanced by Great Britain, will spare His Majesty's Government the pain of taking a measure which, however just, would not be resorted to by them without unfeigned reluctance, and as a step called for by an imperious sense of justice to the interests of His Majesty's subjects.

The equalization of duties, desired by the British Government, is of comparatively trifling importance to this country, but of very serious moment to the interests of Great Britain; inasmuch as those duties directly affect one of her staple commodities; and surely, sir, it were much to be regretted, that, by persevering in a course, by which, independent of its injustice, the United States, in general, are so little benefited, the Legislature of this country should hazard any diminution of the friendly feelings and good correspondence which subsist between the two nations, by forcing Great Britain (for it would be a matter of positive compulsion) into the adoption of measures, which, however undeniably equitable, might yet tend to create in the United States, sentiments of a character opposite to those which at present so happily animate both people in their relations with each other, and which it is the earnest desire of His Majesty's Government to perpetuate by every legitimate means.

I have the honor to be, &c.,

H. U. ADDINGTON.

Mr. Canning to Mr. Addington.

FOREIGN OFFICE, March 13, 1824.

SIR: In consequence of renewed applications from the persons engaged in the iron trade of this kingdom, His Majesty's Government have again had under their consideration the difference of duty levied in the United States, on rolled and hammered iron, the produce of Great Britain.

The British Government had hoped that the Message sent by the President of the United States to the Congress, in the year 1822, and the very strong facts and arguments repeatedly used by Sir Charles Bagot, and Mr. Stratford Canning, during their several missions in America, against the existing discrimination in the duties on these arti-

cles, would have produced their just effect; but as this unfortunately does not appear to have been the case, I have to instruct you to bring this business again before the American Government, and to represent to them the injury to which the iron trade of this country continues to be exposed by this measure, and the injustice of withholding that relief, to which they in effect admitted our claim, by the Message of the President above referred to.

You will observe, that, if the principle, which appears to have led the Congress to delay the repeal of this discriminating duty, were admitted, it might, with equal justice, be applied by His Majesty's Government to the article of American cotton, imported into this country, as compared with that brought from the East Indies or South America; for the cotton of the United States, being cleaned and separated from the seeds and husks, by a process requiring the aid of machinery, becomes, (if this principle is to be acted upon to its fullest extent,) by parity of reasoning, as much in truth, as the rolled iron, a manufactured article when compared with the cotton of the other countries above mentioned; this last article being imported nearly in the state in which it is gathered, without undergoing any process for the purpose of cleaning or separating it from the seeds, &c.

In pressing, therefore, the American Government to come to a conclusion on this subject, in conformity with the repeated representations addressed to them from hence, I have to request that, in addition to the very able reasoning contained in the notes of your predecessor to the American Government, of the 31st March and the 26th November, 1821, on this subject, you will urge this argument also; and that you will apprise them, that, if, contrary to our just expectation, the existing inequality of duty on rolled and hammered iron be not removed, it must become a question for the consideration of His Majesty's Government, whether, in justice to the interests of this country, it may not be expedient to act on the principle laid down by the United States themselves, by considering their cotton as a manufactured article, and subjecting it, as such, to a higher rate of duty than is charged on other cotton, which has not been cleaned by machinery.

I am, &c.,

GEORGE CANNING.

STATE OF THE SINKING FUND.

[Communicated to the House, February 6, 1824.]

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the Board, subsequent to the last report, of the 6th of February, 1823, as far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 5th day of the present month, and in the state-

State of the Sinking Fund.

ments therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

DANIEL D. TOMPKINS,
Vice President of the U. S.

JOHN MARSHALL,
Chief Justice of the U. S.

JOHN QUINCY ADAMS,
Secretary of State, U. S.

WM. WIRT, *Attorney General, U. S.*

WASHINGTON, February 6, 1824.

TREASURY DEPARTMENT,
February 5, 1824.

The Secretary of the Treasury, respectfully reports to the Commissioners of the Sinking Fund—

That the sums disbursed from the Treasury, during the year 1822, on account of the principal and interest of the public debt, amounted, as per last annual report, to - - - \$7,849,159 67

And have been accounted for in the following manner, viz:

There was applied, for the payment of a sum short provided, on account of the public debt, prior to the 1st of January, 1822, as per statement B, annexed to the last annual report - - - 34,588 98

There was applied, during the year 1822, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, as per the annexed statement (A) the sum of - - - \$7,842,190 87

In the reimbursement of the principal of the deferred stock - \$566,971 83

In the redemption of the Louisiana stock 5,294 12

In the redemption of the Mississippi stock 23,388 94

In the redemption of Treasury note stock 277 00

In payment of certain parts of the domestic debt - - - 438 99

In payment of the six per centum stock of 1796 - - - 80,000 00

In payment of the six per centum stock of 1820 - - - 2,000,000 00

\$2,676,370 88

On account of the interest which accrued in that year, viz:

Amount of interest which accrued - 5,165,819 99

\$7,842,190 87

Of this sum there was short provided, consisting of unclaimed

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dividends not applied for by the proprietors, as per the annexed statement B

27,620 18

7,814,570 69

\$7,849,159 67

That, during the year 1823, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt:

On account of the interest of the debt and reimbursement of the deferred stock - - - \$5,525,400 09

In payment of certain parts of the domestic debt - - - 294 42

In payment of the Mississippi stock 5,477 07

Making, together, as appears by the annexed statement C, the sum of \$5,531,171 58

Which disbursements were made from the appropriation of ten millions of dollars for the year 1823, and from a repayment, in that year, of moneys heretofore advanced on account of the public debt, as per statement D, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this Department. In the mean time, the manner in which the said sum has been applied is estimated as follows:

There is estimated to have been applied to the payment of the deficiency, at the end of the year 1822, as per statement B - - - \$27,620 18

In the reimbursement of the deferred stock - - - 601,611 73

In the payment of the Mississippi stock - - - 5,477 07

In the payment of certain parts of the domestic debt - - - 294 42

\$635,003 40

And in the payment of interest on the debt, viz:

The interest for 1853 is estimated at - \$5,004,113 22

Deduct this sum, short provided, per estimate F - - - 107,945 04

4,896,168 18

\$5,531,171 58

A statement (G) is annexed, which exhibits the balance of the annual appropriation of \$10,000,000 remaining unapplied on the 1st of January, 1824; and a statement, marked H, of the funded debt, on the 1st January, 1824.

All which is respectfully submitted.

EDWARD JONES,
Chief Clerk for
WM. H. CRAWFORD,
Secretary of the Treasury.

[The tabular statements are omitted.]

Tariff Memorial.—Charleston, S. C.

MEMORIAL

Of a committee of the citizens of Charleston, South Carolina, against the proposed increase of the Tariff.—February 9, 1824.

The memorial of the citizens of Charleston and its vicinity, by their committee, respectfully sheweth:

That your memorialists have not witnessed, without the liveliest anxiety and alarm, the efforts that have been made, for some time past, and are still pertinaciously persisted in, by certain persons professing themselves the exclusive friends of domestic industry, to force upon the good people of the United States a system of protecting duties, which, your memorialists do seriously believe, is calculated most deeply to affect the great interests of the agricultural States; perhaps even to work their speedy and utter ruin.

Your memorialists did, upon a former occasion, apply to your honorable body upon this very subject, and they trust that their remonstrance was then marked with all that calmness and decency with which it is fit that citizens, under such a Government as the American, should address themselves to their representatives and rulers. They are persuaded that they took a full and candid view of the whole question, whether it be regarded as one of theoretical curiosity or of great practical moment—whether it be considered in relation to the whole Union or to their own peculiar situation. Upon a solemn review of these their reasonings and representations, (a copy of which is herewith respectfully transmitted,) they see nothing in them that ought to be retracted, or even in the slightest degree qualified. They still maintain that a system of monopoly and bounties is inconsistent with every idea of equal rights and sound policy. They still deprecate so violent a diversion of capital and industry from the channels in which they would naturally flow, for the purpose of forcing them into others, in which their operations must needs be more embarrassed and less efficient. They still protest against that unequal distribution of the public burdens which must necessarily result from the imposing such heavy indirect taxes upon consumption, as a violation of the spirit at least, if not of the very letter of the Federal Constitution. They still think it probable that the failure of the national revenue from the customs, in consequence of the proposed tariff, will make a resort to direct taxation inevitable, and they look forward with concern to the troubles and inconveniences incident to that odious and vexatious system.

But the objections which your memorialists have now to urge against the adoption of the measure in question, are not these general ones. They do not imply a refined discussion of any abstract principles of political economy. They do not involve any complicated calculations of political arithmetic. Unfortunately for the people of the Southern States, they are of a very obvious and palpable kind. They arise immediately out of the situation of this part of the country, and come home with a force, greater than that of any

argument, to the business and bosoms of all its inhabitants.

The change that has taken place in the circumstances of this State, since the former memorial was transmitted to Congress, is unprecedented and inconceivable. At that time (and it is no longer ago than three years) South Carolina was enjoying advantages, as an agricultural State, that have seldom if ever been exceeded in any other part of the world. Her staple commodities were sent to a ready market, and commanded prices that showed she shared in a sort of monopoly of it. Thin as her population is, (not above twenty inhabitants to the square mile,) the value of lands every where rose considerably. On the sea islands in particular, to eight, ten, and even twenty times as much as they were rated at thirty years ago, while that of slaves and other property also greatly advanced. The citizens of this State might then contemplate a measure like that in question, if not without disapprobation, at least without dismay, and although they did protest, as they had a right to protest, against an impolitic and premature encouragement of manufactures, in a country like the United States, where there is so much good land unoccupied and in woods, and against the injustice of taxing so heavily almost all the classes of the community, and almost all the States of the Confederation, to fill the pockets of comparatively few speculators and monopolists; yet, as they did not perceive, at that time, the pernicious tendency of the measure in its whole extent, they would probably have acquiesced under it, had it been adopted, without much murmuring—certainly without any open and violent resistance. But things are now in a very different situation with them, and the whole subject has assumed a more serious and gloomy aspect.

The cultivation of cotton, encouraged by the very prosperity which has been just noticed, has been so prodigiously extended in this and other States, as well as in foreign countries, that, notwithstanding the unprecedented increase of the trade in England, every market in Europe is already glutted with it; and as the evil is every day growing with the growth of the new countries into which enterprise is pushing its adventures, there can be no doubt but that, in the course of a very few years, this commodity will, like all others where there is a free competition in trade, be reduced to the lowest possible price. In the mean time, the effects that have already been produced here, by this mighty revolution, are deplorable in the extreme. Property of all kinds is depreciated beyond example. A feeling of gloomy despondence is beginning to prevail every where in the lower country. Estates are sacrificed to pay the last instalments on the bonds given for the purchase money. Nobody seems disposed to buy what every body is anxious to sell, at any price. In short, it is manifest that the extraordinary prosperity which South Carolina, in common with the other Southern States, enjoyed some years ago, is gone by forever, and it will require all the skill and industry of our agriculturists,

in future, to maintain their place in the market, even at the most reduced prices of produce.

And is this juncture, your memorialists beg leave to ask, is this juncture, so critical and perilous at best, a seasonable one for the measure in question? Is it at this moment, when the cotton trade, upon which, not the prosperity alone, but the very existence of some parts of the Southern States depends, is sinking under its own weight; when an American statesman ought to be tasking his invention for expedients to protect and preserve that very lucrative portion of it which is at present enjoyed by the United States—is it at such a moment as this, that we are seriously discussing a measure like the tariff bill? When the people of the South are already apprehending the exclusion of their produce from foreign markets, by a fair competition, or by the partialities of the European colonial systems, shall we provoke our present customers to measures of retaliation, by ceasing to be their customers? Is it wise and politic to try experiments on such a vast scale? Is it prudent to hazard so much real and present good for the attainment of so little, and that, too, existing in mere vision and possibility?

Such is the language which your memorialists think ought to be addressed, and which they cannot but flatter themselves will be addressed with effect, to the wisdom and patriotism of your honorable body; but, the occasion is, in their opinion, so momentous and alarming, that they feel themselves warranted in declaring, as they now do, in the most emphatic manner, that they regard such a measure as the one under consideration, (if their view of its nature and probable consequences is correct,) as a violation of the spirit of the Federal compact. Your memorialists would remind the advocates of the tariff, that there is a wide difference between a confederacy of independent sovereignties or States, and a nation living under a single and consolidated Government. The relation of the parts to each other is much more intimate in the latter, than they can ever be in the former case, and as the interest of each individual part is, there, supposed to be identified completely with that of the whole, so it is generally understood that, whenever occasion may require it, great national objects must be promoted, whatever partial evils may be occasioned by the measures adopted for that purpose. But in a confederacy, although the States are united for certain purposes, yet, as to all others, they continue distinct and independent, and have, therefore, distinct and separate interests, and it is not possible to conceive any situation, in which one member of such a political union can be required to sacrifice itself, in order to promote the welfare or even to secure the existence of the rest. In a consolidated and single empire, if it were necessary to lay waste a whole tract of country and to keep it, for ever so long a time, desolate and in ruins, for the purpose of preventing the incursions of a foreign foe upon the rest of it, there can be no doubt that the individuals inhabiting that tract of country would be obliged to submit to the inconvenience, because requisite for the safety of the whole society of which

they would be members, and because their interests as individuals are supposed to be swallowed up and lost in their interests as citizens. But, in a confederacy, no such a case as this could possibly arise, from the very fact, that it was a confederacy, and the giving up of a whole State, as in the case supposed, that is, not with a view to its ultimate interest, but professedly for the purpose of protecting the rest of the confederation as such, would be, as to it, a dissolution of the league.

Now, what is the fact here? We have united ourselves in a great National Government, which is indeed consolidated as to certain purposes, but is a mere league of independent States as to others. Congress has been invested with all the powers necessary to effect the former, and under what description of powers does that of protecting the manufactures of certain States, even at the risk of total ruin to others, come? It must be obvious to every one, that the right to regulate commerce with foreign nations, and the exclusive right to levy duties on exports and imports, were never given with any such view; and, although it is true that the words in which these are delegated, are very large and sweeping, and therefore it would be difficult to say of such a measure as the one in contemplation, that it is absolutely unconstitutional, yet, your memorialists do affirm that it is, nevertheless, inconsistent with the character and spirit of our confederated Government; and they respectfully, but seriously and emphatically call upon you, to whom the conduct of that very complicated polity is committed, because of your wisdom and capacity, to reflect maturely upon the consequences that will probably ensue upon the adoption of the tariff proposed. They certainly deprecate any thing like a difference between the Government and the people; they abhor the idea of disunion; they conscientiously believe that that event would be an era of calamity and downfall to the whole American family; but, it is for this very reason, that they reprobate measures which, for the mere shadow of some imaginary advantage to one or two districts of the country, for the mere private ends of some selfish individuals, expose the most important interests to the hazard of utter ruin; excite clamors and heart-burnings, perhaps open rebellion and sedition, among a people whose habits and inclinations are so peaceful and regular; and bring into jeopardy (for the fact cannot be disguised) a form of Government under which the nation has hitherto prospered so much, and which, with moderate councils, might be handed down to a remote posterity; measures, in short, which most preposterously sacrifice the greater to the less, and insure nothing but evils, much worse than any which they are intended to remove.

And when is it that this pernicious measure is attempted to be forced upon the nation? At a period when its finances are in a condition, beyond all former example, prosperous and flourishing; when there is in the Treasury (without a tax) a clear surplus of nine millions; and when the people are yet expressing their wonder at the singular phenomenon of statesmen devising ways and means, not how to *raise*, but how to *get rid* of money.

Tariff Memorial.—Boston and its vicinity.

There is, then, your memorialists beg leave to remark, no color or pretext to say that these additional duties are to be imposed with a view to *revenue*. The only object can be to put the theory of some speculative politicians to the test of experiment.

This State has a yearly income of seven or eight millions of dollars, which will be hazarded by such an experiment, without the most distant hope or possibility of her deriving any advantage from it.

Now, it is against this desperate gambling, in which the immense stake is not taken out of the *gambler's own pocket*, but that of a *friend's*, that your memorialists do, in the name of the people of South Carolina, as well as of all the agricultural States, utterly protest.

WILLIAM DRAYTON,
HUGH S. LEGARE,
SAML. PRIOLEAU,
WILLIAM SEABROOK,
Committee of the Citizens.

REMONSTRANCE

Of sundry merchants, manufacturers, and others, of the city of Boston and its vicinity, against the bill to amend the several acts imposing duties on imports and tonnage.—February 9, 1824.

To the Senate and House of Representatives of the United States:

The undersigned, merchants and manufacturers of Boston and its vicinity, impressed with a firm conviction that the system of impost duties contemplated in the Bill to amend the Tariff, if carried into effect, cannot but be productive of consequences equally important and injurious to all the various interests of the United States, and, at no distant period, to the manufacturing interest itself, would be wanting in duty to themselves, and in a proper regard to the interests of other classes of their fellow-citizens, like them depending on the immediate or indirect operations of foreign commerce for a support, were they to omit the renewed expressions of their decided disapprobation of the principles as well as details of the bill under consideration. Happily, at the present time, many intelligent individuals of the manufacturing class coincide with the undersigned in the opinion, that excessive duties on foreign articles will be a heavy burden on the agricultural, commercial, and mechanic interests, and indeed on every class of consumers, without any equivalent benefit to manufacturers; and, as we believe, to the injury and perhaps destruction of those very branches of industry, which it is the avowed design of the patrons of the bill to encourage and protect.

The undersigned will not occupy the time of Congress, by endeavoring to support their opinion either on acknowledged principles of public economy, or by elaborate illustrations of probable effects. The former are no doubt familiar to those who compose the concentrated wisdom of our nation, and the latter have been ably and frequently pre-

sented to them and the public; but, in no shape, as the undersigned believe, more ably or lucidly than in the memorial of merchants and others of this place, interested in commerce and agriculture, presented to your honorable body in the session of 1820-'21. This presents, in a candid and intelligent manner, the reasons which then, as well as now, induce the undersigned respectfully to remonstrate against "the passage of the bill to amend the several acts for imposing duties on imports, the tariff of duties it proposes, and the principles on which it is avowedly founded, as having a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people."

At a meeting of merchants, and others, interested in the prosperity of commerce and agriculture, at Boston, on the 17th day of August, to take into consideration a communication from the Chamber of Commerce at Philadelphia, on the tariff recommended to Congress at its last session, the following persons were chosen a committee to adopt such measures, in relation to the subject, as they should deem expedient:

William Gray,	Lot Wheelwright,
James Perkins,	Caleb Loring,
John Dorr,	Samuel A. Welles,
Nathaniel Goddard,	George Bond,
Benjamin Rich,	George Hallet,
Israel Thornkike, Jr.,	Samuel P. Gardner,
William Shimmin,	Josiah Knapp,
Thomas W. Ward,	Isaac Winslow,
William Harris,	Winslow Lewis,
Daniel Webster,	Thos. Wigglesworth,
Nathaniel Appleton,	John Cotton,
Abbott Lawrence,	John Parker,
Joseph Sewall,	William Sturgis.
Jonathan Phillips.	

The meeting was then adjourned to the 2d day of October, at which time, delegates from the principal seaports of Massachusetts, and farmers, manufacturers, and all others feeling an interest in the subject, were invited to attend.

The committee appointed seven of their number—Messrs. Perkins, Gardner, Webster, Welles, Shimmin, Sturgis, and Dorr, to prepare a report and resolutions, to be submitted at the adjourned meeting.

At the general meeting in Faneuil Hall, on the 2d of October, the following report, presented by Mr. Perkins, chairman of the committee last mentioned, was accepted, and the resolutions accompanying it adopted unanimously; and it was ordered that they be printed, and a copy sent to every member of Congress from this State.

WM. GRAY, *Chairman.*

WM. FOSTER, Jr., *Sec'y.*

REPORT.

Your committee beg leave to report, that we have examined the proposed tariff, and submit to you some remarks, relating to its probable opera-

Tariff Memorial.—Boston and its vicinity.

tion on the community, and to the principles on which it is professedly founded. We shall not enter into a minute discussion of its details, as the imposts which ought to be laid, depend, in every case, on a variety of considerations peculiar to itself, and as we do not consider it any part of the duty assigned to us to digest a code of revenue laws. Neither shall we invite your attention particularly to the effects of the measure on commerce, because we presume you wish to have it distinctly understood that the merchants in this vicinity neither expect nor desire any peculiar favors, nor any encouragement or protection whatsoever, which is not required by the interests of the public. They were not forward, therefore, to oppose the duties recently recommended, however pernicious to themselves as individuals, believing that it was their duty to acquiesce in them, if the public good required it, and that they would not be imposed, if it did not. But the influence which has been obtained by the zeal of private interest, admonishes us that those whose situation and experience enable them to judge of the operation of this new system, should exert themselves to diffuse such information as may tend to make its consequences rightly and generally understood. Its avowed object is to direct and control the occupations of men, by granting special privileges to those engaged in particular pursuits. This can be done (waiving the important question whether it can be done at all without violating the spirit of the Constitution) only at the expense of the community; for it is evident that legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others. It would surely be surprising that a system of restriction so unequal and so repugnant to all sound theory, should be adopted by a free and enlightened people, at a time when the greatest statesmen of Europe, after a long trial of it, are openly acknowledging its incorrectness, and whole nations suffering and lamenting the consequences of its adoption; and when our own unexampled success, under a more liberal policy, has given the sanction of experience to the deductions of reason.

This tariff would impose on certain foreign manufactures duties professedly and effectually prohibitory; and the question involved in its adoption is, not whether the consumer of those goods shall pay a higher price for them, but whether he shall be prevented from purchasing them at all; not whether the duty now levied on the importation of them shall be a little increased or diminished, but whether they shall be totally excluded. In one case, this is already done. From the most accurate information, founded chiefly on official documents, it appears that, from the year 1800 to the year 1812, both inclusive, the duties received on the importation of the coarse cottons of India, amounted to more than three millions nine hundred and thirty-six thousand dollars. But, in 1816, the duty was raised to six and a quarter cents on every square yard, about eighty-three and a half per cent. on their average cost, which, added to the necessary charges, equal to

twenty-seven per cent. more, has utterly excluded them; and the whole revenue once derived from this source is lost. Since the organization of our Government, there have been paid into the Treasury of the United States, from the customs alone, nearly three hundred and fifty millions of dollars, while the whole amount of internal revenue and direct taxes, has been little more than thirty-four millions.

To prevent the importation of manufactures, would, of course, deprive the Treasury of the impost now levied on them, and an equal sum must, therefore, in order to support the necessary expenses of Government, be raised by some other direct or indirect tax on the people.

The Committee on Manufactures, who prepared the tariff, did not overlook nor deny this consequence of its adoption, and, in order to remedy it, provided that an additional impost should be laid on all articles of general consumption or necessary use, which are not raised in our own country, such as spices, coffee, and many others, forming a large part of our imports. A new impost on such articles, by increasing their price, would have some tendency to diminish their consumption, and thus prevent an increase of the revenue proportionate to the increase of duty; but, making no allowance for this diminution, the additional duty on them would not nearly supply the deficiency occasioned by the loss of the imposts on manufactures. The chairman of the committee just mentioned, appeared to be well aware of this fact, and declared it to be another inevitable consequence of their system, that an excise should be imposed on domestic manufactures; and this, if our manufacturers are to have a monopoly secured to them, as seems to be contemplated, will be a new tax on the consumer. The first consequence, then, of excluding foreign manufactures by high duties, is to create a necessity for some other tax, equal to the whole sum now levied on them, and which will necessarily be lost by their exclusion.

Another consequence, and the only one which can benefit the American manufacturer, is, to enable him to raise the price of his productions in our market, by adding to it a sum equal to the difference between the present and the proposed prohibitory duty, which addition must be paid entirely by domestic consumers. No duty could enable him to manufacture for exportation; for, if he cannot, at home, enter into competition with foreigners, without being protected by an impost it is obvious that he cannot rival them abroad where there is no such discrimination in his favor and where he is burdened, as well as they, with the expense of transportation. Duties imposed for the mere purpose of revenue, give an advantage, equal to their whole amount, to our manufactures; but, by increasing them till they become prohibitory, the people suffer a two-fold injury—the price of the goods prohibited is raised, and the revenue, formerly collected from them, is lost. With the sole motive, then, of empowering the manufacturer to raise his price, and thus tax the public in this way for his emolument; another tax, from

Tariff Memorial.—Boston and its vicinity.

which he can derive no advantage, is, at once, to be laid on all articles of general use which we cannot produce, and hereafter, still a third, either on the consumption of domestic manufactures, or directly on property and labor. We should not object to any burden, equally apportioned, to raise the revenue necessary for administering the Government; but, to impose one tax, for no earthly purpose but to facilitate the imposition of another, seems to us, to be a policy as whimsical as it is alarming.

The burden occasioned by most of the particular duties recommended, would fall on all the community, but chiefly on those least able to bear it. In this country, the poor man, personally, consumes nearly as much tea, sugar, and coffee, as the rich; and though his clothing is not so fine, yet, its cost constitutes a much greater proportion of his whole expenses. Besides, this new tariff is so nicely adjusted, as to lay a far heavier impost on coarse cottons and linens, than on those of finer texture. It is obvious that an additional duty can have no effect, except in so far as it increases the price, or diminishes the quantity here, of the foreign merchandise on which it is imposed, and, consequently, can be of no service to any manufacturers but those with whose productions this merchandise now actually comes into competition in our own market. All who have no foreign rivals here at present, who now carry on their business successfully, and supply the country with the fruits of their labor, can derive no advantage, direct or indirect, from a further duty on such articles as they manufacture; since they have already the exclusive possession of the market, and their prices are regulated, not by foreign, but by domestic competition. An additional impost on such articles as are made by these, would be merely nominal, and have no effect, unless it were to blind them to their true interests, and induce them, by the offer of a protection, at once needless and futile, to bear, together with the rest of the community, a great and real burden, for the sole benefit of those classes who now have foreign competitors. Some manufacturers, as those of chocolate and refined sugar, would be greatly injured; and those of cordage, and some of iron, and distillers of molasses, still more so, by the duties proposed to be laid on the raw materials of their manufactures, the price of which must thus be increased, and their consumption lessened. The impost on iron is particularly injurious to industry. It is required for the machines of manufacturers themselves, for all the implements of agriculture, and all the tools of the mechanic arts; and nails, of which six thousand tons are annually made, and chiefly from foreign iron, are one of the very few of our manufactures now actually exported. A far greater number of men is employed in converting this material into articles of use, than in extracting it from the ore; and surely, the interest of the many ought not to be sacrificed to that of the few. The contemplated excise on domestic manufactures, will not be confined to those to which alone this tariff affords a real and efficient

protection, but extend to all. Let the manufacturers, then, who now carry on their business untaxed, and those who buy their productions, look to the end, and mark the double effect of such excise, in at once raising the cost, and diminishing the consumption of them.

The manufactures above mentioned must immediately suffer, together with farmers, and all other citizens, the double burden of a new tax, to supply the deficiency of the revenue, and an increase in the price of clothing, and of those little, innocent, social luxuries, which have hitherto been so generally enjoyed among us. And for whose emolument? Principally, in effect, for that of the manufacturers of cotton, woollen, iron ore, and glass, men whose business requires considerable capital. We have no means of determining, exactly, the number of workmen engaged in these pursuits; but those employed on cotton are far the most numerous; and the greatest establishment for working this material in America, that at Waltham, which has a capital of nearly half a million, and which makes its own machinery, and does not pay a man beyond its own walls, except the venders of its goods, requires two hundred and sixty persons, men, women, and children, to carry on its business. But, however the number thus employed be estimated, it is manifest that it must bear so small a proportion to our population that the rate of wages throughout the country would not be perceptibly increased, and therefore these workmen would receive no more than the present price of labor. The gain, then, would accrue to the capitalists who own the factories, and to them alone.

Thus, according to this new scheme, a great, certain, and immediate burden, falls on the public, most heavily on the poorer classes, and redounds to the exclusive emolument of a few, and those few the wealthy. Surely such a scheme can only be justified by showing, clearly, that some definite national benefit will ultimately result from it, fully equal to the present burden; and its advocates attempt to do this by urging, in the first place, that it is necessary for national independence. How is it necessary for national independence? In the elaborate defence of the system, by the chairman of the committee who invented it, we find it repeatedly asserted, that "we must command our own consumption." Happily for us, this phrase is interpreted in the same speech; and it means, as it seems, that we must have neither imposts nor importation—in plain English, that we must use nothing but our own productions.

In a certain sense, we may be said to depend on foreign nations for whatever we receive from them. But they equally depend on us for the

* "The nation must command its own consumption."

"This nation must command its own consumption and the means of defence."

"If the country commands its own consumption, importation and imposts cease."—*Speech of Mr. Baldwin, of Pennsylvania, in the House of Representatives, on the 24th of April.*

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equivalent which we pay them for it, and this dependence is voluntary and mutual. Nor is it any derogation from national dignity. A sovereign who receives tribute from a foreign country, depends on it for that tribute; yet he is not therefore its servant, but its master. If one country produces only labor, and exports only manufactures, and another, in return for these, provides it with the raw materials composing them; the former may, with most propriety, be called dependent; for, since every country has necessarily the capacity to labor in proportion to its population, that which produces the raw material may manufacture it whenever it chooses to do so; but the ability of the other to labor would be worthless, if it could not procure the material to which that labor may be applied. The exchange of raw cotton, then, for manufactures, makes Europe dependent on America, rather than America on Europe. Ask the planter of the South, which of the two is the dependant, himself or the Manchester spinner!

The farmer is the most independant man, because he produces the means of subsistence, and the materials for labor; and the nation which does this, holds, like him, in its own hands, the means of commanding the exertions of others. The capacity of providing for our own support constitutes independence, and this is not diminished by exchanging our superfluous productions for those of other countries. If the goods we receive are comforts, or mere luxuries, we can subsist without them; but this is no reason for depriving ourselves of them unnecessarily. If they are manufactures of materials raised by us, and we might, by prohibiting their importation, make them ourselves, at a higher price than they actually cost us: is it not equally true that, if the hostility of the nation which supplies us, or any other cause, should prevent their importation hereafter, we may make them, at the same additional expense, then? If so, we are not dependent. And why should we assume a burden now, because it may fall on us hereafter? or how does it remedy a future and contingent evil, to make it immediate and certain?

A wise nation, indeed, will not permit itself to be surprised by hostilities, without the means of defence, and will, beforehand, therefore, accumulate those munitions, which are little needed in peace, but immediately requisite in war; or, at least, provide the means of obtaining them. Food and clothing are also necessary for subsistence, and, of course, for defence; but the demand for these being constant at all times, affords, of itself, a constant encouragement to their production, without the special aid of Government. With regard to all the means of defence, however, it is enough for independence and security, if we have the ability to produce or procure them when they are wanted. As to munitions of war, they should receive whatever encouragement is necessary; as to food, we are burdened with it; as to clothing, the very proposal to prohibit, immediately, the importation of foreign manufactures used for this purpose, implies, of itself, a conviction that we

are already competent to supply all our wants. The quantity of naval stores, required in peace, being even greater than in war, the stock on hand for commercial purposes would, on a sudden eruption of hostilities, afford the means of protection until we could raise them. In thus considering the subject as it affects our means of defence, we have taken the case assumed by manufacturers as most favorable to their pretensions—that of a war with all mankind. It is obvious that, if there were any neutrals, most of our wants would be supplied as certainly, though not as cheaply, as at present. We have found this to be true in our own wars, and all history confirms it.

But, so far would the enormous tax proposed on hemp and iron be from contributing to national independence, that it would strike a severe blow at our freedom and security. By the existing treaty, American and British ships are placed on the same footing; and it is a subject of gratulation, that our countrymen now sustain the competition. The imposition of new and heavy burdens on our own shipping, would tend to give the British the monopoly of our trade, and to make them our sole carriers. When this is accomplished, there will be no lack of Orders in Council to regulate the trade of America, and the dependence which we shall suffer, unlike that of which we now complain, will be neither mutual, voluntary, nor terminable.

Another favorite phrase of the advocates of this system is, that it would promote national industry. What is national industry but the industry of individuals? And what encourages it like high wages? And what sustains the price of wages but the demand for labor? And what tends so much to increase and support this demand as the employment of our whole capital in those pursuits in which the most labor is required? The occupations, then, in which a given capital demands and maintains the greatest quantity of human labor, are most promotive of industry; and this is eminently true in a country where every thing else is more abundant than capital.

The price of manufactures involves the cost of the raw material, the sum paid the owner of the capital employed in working it, and the wages of the workmen. It is when the last are greatest in proportion to the whole price, that industry is best paid and most encouraged. Machines for multiplying the effects of labor may, indeed, produce a great profit, but it accrues to the owners of them, not to those employed in managing them. Should any one construct a machine so perfect that it would enable a single hand, by merely turning a crank, to supply the country with broadcloth, the possessor of this curious piece of mechanism would certainly make a fortune; but the laborer who put it in motion would receive not a cent more than the regular wages for turning a crank. The occupations in which money is laid out for complicated machinery, for lands, buildings, and fixtures, to accumulate the raw material, or the means of converting it to use, or keep on hand a great quantity of the articles manufactured, so as to dispose of them most beneficially in the market, may

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afford a profitable investment for capital, but have no exclusive nor peculiar tendency to increase the price or the amount of labor. The factory at Waltham tends to raise wages no more than every other establishment, however small its capital, which employs the same number of hands; and it is difficult to conceive a case, in which industry or its reward can be increased by turning any number of men from one pursuit to another. The machines and implements for the aid of labor, which can be profitably employed with a very small capital, such as the tools of the mechanic, are most useful to the poor; those which require a large capital, to the rich; the former tend to diffuse wealth, the latter to concentrate it. Which is the most consonant to our institutions and character?

Those employments, such as household manufactures, which do not interfere with other business, but only occupy its intervals, do, indeed, increase the quantity of industry in a country. But these need the least encouragement. The labor devoted to them is an absolute gain to the individual, as well as to the public, and may be deemed to cost him nothing; hence, he is in no danger from the competition of those who must derive the means of support, however small, from making similar articles. The same may be said of those which afford occupation to children, and to the other classes, who now subsist with little or no occupation. The subsistence of these persons being already provided for, their wages, in such new employment, would be clear profit. They can really afford to work for nothing, and will be induced to do so for next to nothing.

It is incumbent on those who would give aid to one class of men, to be satisfied, by clear proof, that they shall not materially injure another class, who deserve, at least, protection. In the year 1810, the United States possessed 1,428,527 tons of shipping; and, as one seaman is required, on an average, for every twenty tons, more than 71,000 men must have been employed in that capacity. For every hundred tons four tons of iron are consumed, the price of working which is four cents a pound; hence the very labor of the blacksmith on the iron used in constructing those vessels, independently of subsequent repairs, was worth above four millions and a half of dollars. Among how many was this divided? The ship carpenters, valuing their labor at ten dollars a ton, one-third less than has sometimes been paid, received, for building these vessels, more than fourteen millions of dollars. It is a given rule, that, for every ton of shipping, a ton of timber is necessary; and for this, at nine dollars a ton, the farmer must have received nearly thirteen millions.

The average duration of our vessels, including losses at sea, is estimated, by competent judges, to be seven years. But, suppose it to be ten; then, in order to maintain the same quantity of shipping, these supplies must, every ten years, be repeated; and this, in addition to the whole amount necessary for repairs. Estimate the number of men thus supported, and add to them the ship-

joiners, the boat builders, the mast-makers, the block and pump-makers, the painters, glaziers, and plumbers, the anchor-smiths, the copper-smiths, the carvers, sail-makers, riggers, rope-makers, the bakers of ship bread, the butchers, and packers of provisions, the grocers, ship chandlers, tallow chandlers, the coopers, the lightermen, the truckmen, the stevedores and laborers, the gun smiths, the mathematical instrument makers, the wharfingers, the owners of wharves and warehouses, and all others who derive a subsistence from navigation, and their wives and children, and all dependent on them, and see how wide a ruin would follow the attempt to do, what we are pleased to call "commanding our own consumption."

The coasting trade, it may be said, will be left. But to what will this amount, after deducting all that portion of it which is employed in transmitting the goods received from other countries, or those destined to them, and in the vast traffic which ultimately results from foreign commerce?

It has been asserted that this new project will be beneficial to agriculture; that, though the farmer will pay a higher price for all he buys, and be taxed more than ever for the support of the Government, yet, that he will be compensated for this by the creation of another or better market for the produce of the soil. Is this true? That produce consists of articles of food, or of the raw materials of manufactures. How is it possible that manufactures should extend the demand for food? Surely it will not be pretended, in spite of our own experience, and that of all mankind, that manufacturing countries increase most rapidly in population, or that they require greater means of subsistence than others. The farmer feeds all the inhabitants of the country now, and here he can do no more. Since, then, the demand for food cannot be increased, the price can be raised only by diminishing the supply. If many now engaged in cultivating the soil are forced to quit the pursuit, the quantity of food raised may become less, and the price, of course, greater. Thus farmers are to be driven from their present employment to seek subsistence in another, and fields now under culture, and laden with plenty, are to be abandoned to desolation; and all this for the extension and encouragement of agriculture. Yet, though the domestic market for food could not thus be increased, the foreign market might and would be diminished; for, we cannot afford to export our productions to other countries, unless we will take what they can give us in return. Now, our farmer understands very well, that a foreign demand for his produce benefits him by advancing the price, not only of that which is exported, but of the whole quantity raised; he obtains more money for all that he sells, whether it is to be consumed at home or abroad.

The establishment of domestic manufactures would, indeed, create a demand at home for the materials of which they are composed, but, at the same time, would lessen the foreign demand to the same extent; because, the nation which now supplies us would cease to want that quantity of

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the raw material which it converts into manufactures, for our market. And, besides, to increase the price of such manufactures, tends to diminish their consumption, and, consequently, the demand for them, and for their materials. It is the direct interest of the farmer that the raw materials raised by him should be manufactured as cheaply as possible, in order to increase this consumption and demand. It is also his direct interest, for this reason, that the smaller the portion of the price paid by the consumer, which the manufacturer takes for his share, the larger the proportion which the cultivator receives for his. The extent to which his productions are manufactured and used is all that affects him; no matter by whom it is done, or where. Some appear to imagine that our soil must always produce the same quantity, and that we have only to determine whether it shall be made use of at home or abroad. But this is not so. The productions of agriculture are created by the call for them. The existence of more grain and cotton than we actually use, is only the consequence of the demand for exportation. Destroy the cause, (as would be done by prohibiting importations,) and what will become of the effect?

There is, however, an argument in favor of encouraging particular employments by bounties or taxes, which merits a different consideration. It has been justly urged, that there may be occupations peculiarly adapted to our situation and character, and which, if once established, might be carried on here better than elsewhere, so as to afford their productions at a cheaper rate than is now paid for them. And yet habit, and indolence, and the natural attachment of men to the pursuits in which they have been educated, and the immediate expense of commencing the business, and the want of that skill which only time and experience can give, and a doubt how soon or how certainly the profit will be realized,—may deter individuals from engaging in these occupations, and induce them to persist in others less profitable to themselves and to the public; and that, if these difficulties can be overcome by a present tax, which will be more than compensated by the reduction of prices hereafter, it is good policy and economy to impose it. On this principle, encouragement has always been given by our Government to particular pursuits; and it should always be given, to the full extent that this principle will warrant. By its adoption, the whole subject is made a mere question of economy—of economy to consumers, who are *all* the people; and it becomes our duty, not how to make manufactures dear, but how to make them, on the whole, cheap and abundant. The best, and perhaps the only effectual mode of doing it, is to promote competition at the lowest prices.

There is a difference, in this respect, between navigation and manufactures. Our ships engaged in foreign trade derive no advantage, even in our own market, from being near it; for all vessels must make two passages, in order to carry goods from one country to another, and bring back the returns; and it makes no difference which country is the first starting place. Our ships, too, when

in the ports of a foreign nation, are liable to have a tax imposed on them, which shall prevent their entering into a fair competition with those of that nation in the trade between us. But our manufactures used at home (and these only are benefited by an impost) have an advantage over all foreign goods, equal both to the expense of transporting the latter, estimated by Mr. Hamilton at between fifteen and thirty per cent., and to the duty imposed on their importation here for the purpose of revenue.

Besides, no other nation can tax our manufactures, so as to prevent their entering into competition with its own in our market, or can give its own any advantage over ours, but by granting a bounty on their exportation from its dominions. This bounty is never, in fact, equal to the cost of transportation and the impost here; and should it in any instance be greater, an equality would be produced by laying an additional duty, equal to the difference, on importations from the single country which granted the bounty. The policy of producing equality by such means—of raising prices to produce competition at high rates, when competition is useful only as it lessens them—may well be doubted. But, on any ground, by what train of reasoning can it be shown, that, because a bounty is granted on the exportation of linens from England, it would promote a free and general competition to prohibit or tax those brought from Germany? Yet this is the motive assigned for imposing a duty of six cents and a quarter on every yard of German linen costing ten cents.

According to the principle above laid down, the reason for a tax increasing the price of goods for a time being to lessen it afterwards, and the only motive for a present monopoly to create future competition, it follows as an invariable rule that such tax or monopoly ought never to be perpetual; for this would be sacrificing the end to the means. As the burden thus imposed on the public is certain and immediate, it follows also that those who call for it must show that a full equivalent will ultimately be received in the reduction of prices; otherwise, the bargain is a bad one. Again, since every benefit ought to be purchased as cheaply as possible, it follows still further that they must prove the present tax to be the smallest which is competent to effect their professed object; for all beyond this is a useless sacrifice. It is, in our opinion, an insuperable objection to the proposed bill, that its advocates make no attempt to show to what the advantage which they expect will amount, or what amount of taxes is requisite for its attainment.

As a general rule, the employments which need the smallest encouragement are best fitted to our actual condition, and most conducive to our prosperity; and those which can be supported only by great bounties or taxes are shown by that very fact to be at least adapted to our character and circumstances, and least likely to occasion a reduction of prices hereafter, by sustaining a free and general competition at the lowest rates. The enterprise and activity of our citizens leave little doubt that the pursuits most appropriate to our

situation will ultimately be established, without any extravagant aid from Government, so that the only effect of assisting them would be to hasten their establishment. Is this an advantage worth the price we are called on to pay for it? Those who assert the fact are bound to prove it clearly.

It is only in a very clear case that this principle should be put in practice; since, in the experience of nations, the failure of such attempts has been much more frequent than their success, and has always produced mischiefs not easily remedied. The encouragement of silk manufactures in England is a source of great distress among the people, and great embarrassment to the Government.

The other question is equally important. Is the immense tax proposed to be laid in favor of particular manufactures necessary for their protection? Since true economy requires the expense of protecting those articles only which become cheaper hereafter in consequence of this protection, no manufactures should be encouraged from this motive but such as can be afforded by the market at a lower price, after the difficulties of establishing them are surmounted; and these, of course, so long as they continue to maintain the price at which they can be sold at first, afford him a profit constantly increasing. Whenever, therefore, the encouragement granted to any manufacture is sufficient to occasion its establishment and existence, its extension, and the further emolument of those engaged in it, may safely be left, and ought to be left, to time, skill, and industry. Can, then, the manufacturers, for whose benefit the new tariff is chiefly designed, exist under our present system? Do they in fact exist? Their zeal, activity, and almost success, in the attempt to render their fellow citizens tributary to their wealth, seem to leave no room for such a question. The necessity of supporting cotton factories is most strongly urged. Now, the price at which the manufacturers in our vicinity can go and take the cotton from the wharf, and bring it back manufactured to the warehouse, is little more than the mere impost on the cottons of India, the only goods which would otherwise come into competition with it.

Though the advocates of the bill under consideration assume the name and the authority of the manufacturers of the United States, the great majority of our manufacturers would be directly and severely injured by its enactment. In this part of the country, those most deeply interested in the very pursuits to which it gives the greatest aid, desire, as we believe, no further encouragement, but understand their true interests, and are well aware that exorbitant taxes, imposed for their profit, could not be long in operation before their effect on other manufacturers, and on the community, would be known and felt; the natural consequence of which would be, to cause a reaction in public opinion, and induce the people, in their indignation, to withdraw the protection now afforded to our manufacturers, and to leave them to contend at once with foreigners in our market, without any other superiority than that derived

from being near the consumer, and from duties laid for the sole purpose of revenue.

We rejoice to see manufactures flourish, and deem their spontaneous growth an evidence of wealth and prosperity; but to them, and to all pursuits, the best protection is that which is permanent. The great excellence of laws, and especially of such as affect the employments of men, is stability. By this only, individuals are enabled to regulate their conduct beforehand, and to calculate the chance of success in the occupations which they may select, without danger of having the bread of their industry snatched from their mouths, by nice experiments and novelties in legislation.

We therefore recommend the adoption of the following resolutions:

Resolved, That we have regarded with pleasure the establishment and success of manufactures among us; and consider their growth, when natural and spontaneous, and not the effect of a system of bounties and protection, as an evidence of general wealth and prosperity.

Resolved, That, relying on the ingenuity, enterprise, and skill, of our fellow citizens, we believe that all manufactures, adapted to our character and circumstances, will be introduced and extended, as soon and as far as will promote the public interest, without any further protection than they now receive.

Resolved, That no objection ought ever to be made to any amount of taxes, equally apportioned, and imposed for the purpose of raising revenue necessary for the support of Government; but that taxes imposed on the people, for the sole benefit of any one class of men, are equally inconsistent with the principles of our Constitution, and with sound policy.

Resolved, That the supposition, that, until the proposed tariff, or some similar measure, be adopted, we are, and shall be, dependent on foreigners for the means of subsistence and defence, is, in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

Resolved, That high bounties, on such domestic manufactures as are principally benefited by that tariff, favor great capitalists, rather than personal industry, or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

Resolved, That the imposition of duties, which are enormous, and deemed by a large portion of the people to be unequal and unjust, is dangerous, as it encourages the practice of smuggling.

Resolved, That, in our opinion, the proposed tariff, and the principles on which it is avowedly founded, would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.

Tariff Memorial.—New York Chamber of Commerce.

MEMORIAL

Of the Chamber of Commerce of the City of New York, against the passage of the Bill to amend the several Acts for imposing Duties on Imports.—Presented February 9, 1824.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the Chamber of Commerce of the city of New York, respectfully represents :

That, in common with their fellow-citizens in various parts of the Union, who have embarked their property in commerce and navigation, your memorialists have seen, with alarm and surprise, in the bill "to amend the several acts for imposing duties on imports," commonly called the Tariff bill, and now before your honorable body, principles and details which, if sanctioned by Congress, and embodied into a law, will deeply affect the rights and interests, not of your memorialists only, but of almost every other class of their fellow-citizens.

With the highest respect for your honorable body, but with the plainness and sincerity becoming freemen, we beg leave to lay before you, some of the numerous evils which would result from the proposed bill, should it become a law.

During the late war with Great Britain, much encouragement was given by the National Legislature to the manufactures of this country, and when the war terminated, it was deemed by Congress an act of justice, as well as a measure of policy, to establish a tariff of duties, which, while it should not operate severely on the other great interests of the community, would be a protection to those who had been induced to invest capital in manufacturing establishments. The tariff of 1816, which was then formed, has, with some alterations, continued to this time; and it so far fostered domestic manufactures, that they soon recovered from the embarrassments which followed the great influx of foreign goods in 1815, and have since, in most cases, when managed with skill and prudence, and aided by sufficient capital, been prosperous and profitable; and we do not hesitate to assert, that money vested in such establishments has yielded better returns than money employed in commerce, navigation, or agriculture. Since that tariff has been in operation, the charges on importing foreign goods, including duties and premium on exchange, have varied from 40 to 50 per cent. on the first cost of those which pay ad valorem duties, and a much higher rate on those charged with specific duties; the premium to our manufactures has consequently been, from two-fifths to one-half of the first cost of all foreign articles which come in competition with our domestic products. Though this encouragement to the industry of one class of the community is liberal, almost to excess, still the other classes, confiding in the equity of the Government, and knowing that further aid was required in its fiscal concerns, have patiently acquiesced, in the full belief, however, that heavier burdens would not be imposed, unless the necessities of the nation required them.

It was supposed that this ample protection would have satisfied the manufacturing interest, but the repeated demands which have since been made, show how delusive has been this expectation; and that the object aimed at, and constantly kept in view, is *monopoly*. We ought not and will not charge all this class of our fellow-citizens with this engrossing disposition. Among the manufacturers of the United States we see numbers of our wisest, most patriotic, and most deserving citizens, who carry on this branch of industry with profit to themselves and benefit to their country. Such as these wish not further duties for their own protection. They believe that sufficient encouragement has been already extended to the manufacturing class, and that the hot-bed stimulus of the proposed bill is not wanted to cherish the well-managed manufactories which now exist, or to rear up others of a similar description. Nor would we be understood to charge the mechanics of the United States with a disposition to promote laws to foster their exclusive interests. On the contrary, this numerous and respectable class of our fellow-citizens have the strongest motives to raise their voice in opposition to most of the provisions of the proposed bill. The shipbuilder, the carpenter, the blacksmith, the ropemaker, the dyer, the hatter, the shoemaker, the saddler, the machinist, with every other class of mechanics, and all the laboring classes of the community, are identified with the merchant and the farmer. Their interests cannot be promoted by an enormous duty on hemp, iron, and wool, or by laws which discourage commerce and navigation. They are the great consumers of the country; and it cannot be supposed that a statute which adds to the price of every article of their clothing, of every agricultural implement, every tool used in their various trades, should be acceptable to them, especially if intended to give still further benefits to a class of citizens which has already received its full share of the protection and patronage of Government.

Since the establishment of the tariff of 1816, and of the few changes subsequently made, the national revenue has gone on prosperously; and notwithstanding the universal depression of commerce in Europe and America, it has, since that period, been sufficient to provide for all the engagements and expenses of the Government, and to keep up and extend the great national institutions, and to leave a surplus in the Treasury so large, as we are informed from high authority, as to enable the Treasury Department to anticipate, by nearly twelve months, the reimbursement of many millions of the public debt.

We may fairly infer, therefore, that the necessity of a greater revenue will not be among the motives to pass the bill in question.

Your memorialists have always believed, that the true and legitimate object of taxation is revenue, and that the power "to lay and collect taxes, duties, and imposts," which is given to Congress by the Constitution of the United States, was not granted with the intention, nor will it bear the construction, that it may be so exercised, as to cherish and elevate one class at the expense

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of all the other classes of our citizens. The Constitution imposes on Congress the great duty of "promoting the general welfare." To lay taxes which will operate as prohibitions and restrictions on trade, which will promote exclusive interests at the national expense, which imposes heavy burdens on the many, and gives to the few the benefits of a monopoly, cannot be consistent with that sacred duty. Nor can we believe that the general welfare will be promoted by attempts to regulate the industry of individuals, by forcing them out of employments in which they have acquired skill and experience, into others, of which they are ignorant; or by laws inevitably leading to illicit trade and infractions of the revenue.

Popular sentiment with regard to evasions of the revenue laws has hitherto been on the side of Government, and the moral feeling of the people has been a greater security to the collection of the revenue, than all the oaths and regulations of the custom-houses. Establish prohibitory or extravagant duties, and the sense of injury which would arise from the belief that the burden is laid to promote a particular interest, superadded to the desire to profit by illicit traffic, would enlist public opinion in favor of the contraband dealer, and he would enjoy, from a large portion of the community, a degree of countenance, sympathy, and even protection, which he would now look for in vain.

Should the change of popular sentiment take place, where, it may be asked, is the security of the revenue? Would even a navy along our immense line of seacoast be a sufficient protection? We may guard against smuggling in the immediate vicinity of our principal ports, but what is to prevent it on our northern frontier, and in our numerous bays and inlets, from Maine to Florida? Besides, the diminution of the revenue which would arise from smuggling, there would be a still greater reduction in consequence of the enormous duties contemplated by the proposed bill. All the lower-priced cotton goods, flannels, and other coarse woollens, hemp, iron, alum, copperas, guns, most of the enumerated articles of hardware, and many other articles which now pay the Treasury large sums in duties, would either cease to be lawfully imported, or would be brought into the country in small quantities; and the Government would have to resort to some mode of taxation, bearing upon every part of the community, in order to supply the deficiency occasioned by exclusive encouragement to a particular interest.

The revenue would also decrease from a general decrease of commerce and navigation. If we prohibit or extravagantly tax foreign productions they cannot be imported into our country, and if we do not buy from other nations what they have to sell and what we want, can it be expected that they will take from us our commodities? If we do not buy, we cannot sell; for, on the supply of mutual wants is founded all the intercourse and all the commerce of nations, and when they cease to be mutual they cease to exist. Restrictive systems first operate on commerce, then on navigation and agriculture, and when those great inter-

ests are prostrated, they necessarily bring down with them the revenues of the Government.

But, perhaps it will be said that the great increase of American manufactures will make up not only the deficiency of supply, but the deficiency of the revenue; that period may be within our prospect, although we have not yet seen its approach; whenever it does arrive we will readily acknowledge that we have been mistaken in all the views which we have entertained; and will cheerfully yield to the manufacturing interest every encouragement which it demands.

A principle which runs through the proposed bill has particularly attracted the attention of your memorialists. The spirit of patriotism which proposes to tax the many for the benefit of a few, proposes also to lay the burden on the poor and to exempt the rich. Those articles which are consumed by the poorer and more laborious classes of our inhabitants, are loaded with enormous duties, while those used almost exclusively by the rich, are taxed at a comparatively low rate. A few instances will illustrate this position. The duties on low-priced cotton goods, on cheap flannels, and low-priced woollens, will, according to the proposed bill, be from 60 to 100 per cent.; and on low-priced guns, 140 per cent. on the first cost. These are almost exclusively used by the least wealthy part of our population; while the fine cottons which pay 25 per cent., fine broadcloths which pay 30 per cent., and elegant fowling pieces, which, by this unskilful project, will pay 6 per cent. only, are almost exclusively used by the rich.

Another feature of the bill before your honorable body is equally partial and impolitic. The Constitution of the United States was instituted, not only to "form a more perfect union," but to "establish justice," and "promote the general welfare." Hence, the burdens on the people should be as equally distributed as possible, and laws which impose taxes having a sectional bearing ought to be carefully avoided. It is well known that, in a number of the States of our Federal Union, there are few or no manufactories, and that the inhabitants of those States are almost exclusively agriculturists. Is it just, is it politic; will it contribute to promote those feelings of common interest, and mutual kindness, on which this Union was founded, and which are its strongest cement, to lay onerous duties on the consumption of the inhabitants of those States, in order to establish great workshops in other parts of our country? If this is done, it may not be the sole evil, or the least injury, which the bill in question will inflict on the citizens of the South. It may lead to results which will jeopardize the value of cotton, the great staple of that section of the Union.

The bill proposes duties which are nearly, if not quite, prohibitory on most of the manufactured cotton goods which are derived from Great Britain. If this should lead to countervailing duties on the part of that nation, their bearing and consequences may be imagined from a few important facts. In 1823, there was imported into Great Britain more than 420,000 bales of cotton from the United

Tariff Memorial.—Richmond and Manchester, Va.

States. During the year 1822, the manufactured cotton goods, of every description, imported into the United States from Great Britain, after adding 20 per cent. for wastage on manufacturing, was equal in weight to 36,444 bales of cotton, of 300 lbs. each. In 1823, the quantity may amount to 40,000 bales. Great Britain is, therefore, our customer for 420,000 bales, and we are her customers for 40,000 bales. If we impose prohibitory, or very heavy, duties on her manufactured goods, may she not meet us by a countervailing duty on American cotton? The culture of cotton is extending in Spanish and Portuguese America, in India, and other parts of the world; and we may, by our own mistakes, raise up successful competition in the greatest staple our nation can boast of. A duty in Great Britain on American cotton, or a bounty on the cotton of her Asiatic dependencies, of two pence sterling per pound, would introduce annually into her manufactories many thousand bales of India cotton, to the exclusion of the cotton grown in the Southern and Western sections of this Republic.

It is painful to your memorialists to perceive, that, while the nation just alluded to is beginning to see the advantages of a free commerce, and the evils of restrictive laws, and her statesmen are about to form their systems of trade on the principles of true political economy, attempts are making in the United States to induce the National Government to adopt a narrow and retrograde policy; and to persuade our legislators that prohibitory regulations and laws, calculated to promote partial and exclusive interests, such as have disgraced Spain and China, are the most wise and politic. The old maxim, to sell dear and to buy cheap, is inverted; and it is now found that to pay high and to sell low, is the true road to national wealth and prosperity. It was formerly believed, that national industry consisted in the growing of cotton, rice, flour, tobacco, ashes, flaxseed, sugar, raising of beef and pork, the building of ships, navigating them, and in the numerous trades inseparably connected with commerce; now, *national industry* is ingeniously construed to mean labor in manufacturing establishments.

Your memorialists readily admit, that, on some articles of luxury, there may, without disadvantage, be an increase of duty, should the exigencies of the Government demand it; and that the existing tariff requires some modifications; but such modifications, to be useful, ought to be gradual, and to be founded on the wants and feelings of the various interests of the community. It is not to salutary changes that we object, but to a system of prohibition and exclusion; a system calculated to raise up one interest and to prostrate every other. We feel not the slightest hostility towards our fellow-citizens who are occupied in manufacturing; it gives us sincere pleasure to believe that they are now engaged in the most profitable branch of industry, and we hope they will continue to do well. These sentiments, while they are sincerely entertained, are, at the same time, perfectly consistent with the opinion, that the manufacturer has no more right to the favor and protection of

his Government, than the farmer, the mechanic, the navigator, or the merchant.

Your memorialists fully believe, that the bill now before your honorable body is unjust in its principles, and injurious in its details; that it is calculated to produce unhappy effects on the interests of a body of citizens, while it cherishes and elevates the interests of a particular part; that if it should, without material alterations, become a law, it will promote smuggling, impair the revenue, lessen confidence in Government, and prove injurious to commerce, navigation, and agriculture; and that it is contrary to the spirit of the Constitution under which we live. Sincerely impressed with the truth and importance of these opinions, we feel it to be our bounden duty to remonstrate against the said bill, and to pray your honorable body, that it may not become a law of the land.

WM. BAYARD, *President.*

JOHN PINTARD, *Secretary.*

NEW YORK, January 30, 1824.

MEMORIAL

Of the citizens of Richmond and Manchester, in Virginia, upon the subject of the proposed tariff, now before Congress.—February 17, 1824.

At a meeting of the citizens of Richmond and Manchester, at the Merchants' Coffee-House, in the City of Richmond, on Saturday, the 14th of February, 1824, called by the chairman of a former meeting, on the subject of the proposed tariff, now before Congress—

The committee appointed at that meeting to prepare a memorial to the Congress of the United States in opposition thereto, presented the same, which was read, and unanimously adopted by the meeting. Whereupon—

Resolved, That a copy of the memorial, just adopted, be signed by the chairman and secretary, and transmitted to the Representative in Congress from this district, and like copies be furnished to the editors of newspapers in this city.

The memorial of sundry merchants, and other citizens of Richmond and Manchester, to the Congress of the United States, respectfully represents:

That they have been much alarmed by the introduction of a bill to the House of Representatives, entitled "A bill to amend the several acts for imposing duties on imports."

Your memorialists have entertained the opinion that the present tariff is too high, and that its exorbitance has caused, in many instances, the consumers of manufactured articles to pay heavy bounties to our own manufacturers, whereby great benefits have accrued to that class, at the expense of the agricultural and commercial classes, which constitute the great bulk of our people. Your memorialists did entertain the hope that the manufacturers would have been satisfied with the

great aid which these high duties have rendered to them; but in this they are entirely disappointed, and find that that small but persevering class of the community have, by their exertions, been enabled to lay before the assembled Representatives of the people a scheme, by which that people shall be compelled to submit to the alternative of paying still more exorbitant prices for articles of great necessity and convenience, or to buy similar articles of inferior value of domestic fabrication, at almost equally high prices, or to abandon the use of them altogether. And for what purpose is it, that this people are now required to submit to these heavy exactions? Is it to provide a revenue for a parental Government, which is charged with our defence? No such purpose is pretended.

The revenue appears, from the report of the Secretary of the Treasury, and from the last Message of the President, to be in a flourishing condition; and the motive which has been avowed for this new system is, that the manufactures of our own country may be fostered and protected.

Your memorialists do not mean to enter into an examination of the question, whether Congress have any Constitutional power to lay and collect imposts and duties, for the purpose of giving encouragement and protection to one class of the community, to the injury, and at the expense, of all other classes; they will merely venture to suggest, that this important power was granted by the Constitution for the express purpose of "paying the debts, and providing for the common defence and general welfare of the United States;" and they cannot perceive how this general object can be attained by fostering a particular class, to the prejudice of others.

Whenever it has been found necessary to increase the tariff for the purpose of raising a revenue, to be appropriated for the good of the whole, your memorialists have not complained, nor will they ever complain, when it shall be found necessary for such purpose; but they cannot believe that Congress are acting entirely within their legitimate sphere, when they depart from this great object, and put their hands into the pockets of the great mass of the people, for the purpose of transferring the money there found into the pockets of the favored few.

When we consider the progressive increase of duties which has taken place since the establishment of the Federal Government to this time, we must be convinced that our manufactures have, by the mere operation of laws intended principally for the raising a revenue, been fostered and protected to a prodigious extent. In consequence thereof, there are many articles of foreign manufacture that are now seldom, if ever, imported. How rarely do we hear of the importation of the manufactures of leather, lead, pewter, and tin; paper, stationery, hats, &c.; paints, twine, manufactures of iron, together with the coarser fabrics of cotton! These, and many others, may be almost considered as prohibited. Where, then, is the legislative encouragement to stop? As we advance, the point at which it is to terminate is

continually receding from us; we fear we shall never reach it, till we are barred by a total prohibition.

To this result we seem to be advancing gradually, but certainly. When a heavy duty is first imposed on foreign articles, the manufacturers seem, for a while, to be contented; because the encouragement, thus given to them, enables those whose capitals are already invested, or about to be invested, in manufactures, to realize great profits. These great profits, however, after a time, induce so much capital to be vested in those establishments, that a reduction in profits naturally takes place; instead of contentment, dissatisfaction again begins to show itself; they cry out that they want protection and encouragement; they harass Congress with their importunate clamor; they must have still higher duties, or their establishments will fall to decay. Thus, they require restriction upon restriction, until they succeed in destroying all competition, by prohibiting the introduction of such foreign goods as might interfere with goods of their own fabrication.

This seems, to your memorialists, to be the course of things, and against the disastrous and ruinous result of such course we trust that your body will save the nation.

Your memorialists have every reason to believe that the proposed tariff, if adopted, will operate oppressively on the agriculture, commerce, and navigation, of the country; that it will diminish the revenue, lead to direct taxes, and introduce a systematized plan of smuggling, the extent and effect of which cannot be foretold.

The oppressive character of this measure will be attempted to be shown by a few examples.

The first clause of the bill provides, that on all manufactures of wool, or of which wool shall be a component part, a duty of 30 per cent. ad valorem shall be imposed, until the 30th June, 1825, and after that, a duty of 33½ per cent. ad valorem; and it is provided, that those woollen goods, the original cost of which, at the place whence imported, with the addition of 10 per cent., shall be less than 80 cents per square yard, shall, with such addition, be deemed and taken to have cost 80 cents per square yard, and shall be charged with duty accordingly.

At the port of Richmond, for the year 1822, there were imported nearly 300 bales of a coarse woollen cloth, known by the name of napt cottons. This is an article peculiarly well adapted to the clothing of our laborers; and, although in the farming counties the existing high duties on coarse woollens have driven the farmers to the domestic manufacture of negro clothing, yet, in tobacco-making districts, the purchase of napt cottons has yet been found more advantageous than family manufactures. Each of these bales of napt cottons contains twenty pieces, and each piece twenty yards, of the width of twenty-seven inches. According to actual invoices, these bales, including packages at the place whence imported, cost, on an average, twenty-six pounds, nine shillings sterling each.

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Thus 300 bales then cost - - -	£7,935 00
Charges which are now subject to duty 10 per cent. -	793 10
	£8,728 10s.=\$38,793 33
The existing duty, of 25 per centum ad valorem, gives to the Treasury -	9,698 33
Duty now proposed will be on 300 bales, each containing 400 running yards, or 300 square yards, is 90,000 square yards which cost, with charges, about 32 cents per running yard, but are to be taken as having cost 80 cents per square yard, is - - -	72,000 00
A duty of 30 per cent. gives to the Treasury - - -	21,600 00
A duty of 33½ per cent. after June, 1825 - - - - -	24,000 00

So that, by the operation of the proposed tariff, the tobacco planters who trade with Richmond will be compelled to pay, upon this single article, in duties to the Government, until the 30th June, 1825, the sum of \$11,901 67; and after that time, the enormous sum of 14,301 dollars 67 cents more than they now pay!

According to the invoices before mentioned, the average price of the said article, with the charges, may be set down at 32 cents the running yard, at the place whence imported, and the duty thereon about eight cents. According to the proposed tariff of 30 per cent. the duty will be about 18 cents, and at 33½ will be about 20 cents the running yard, that is to say, instead of the present heavy duty of 25 per cent. ad valorem, the proposed bill will levy upon the consumer of this article about 55½ per cent. in one case, and 62 per cent. in the other, on the original cost of the article! What is the effect? Add to these enormous duties the unusual expenses of purchasing, shipping, insurance, freight, mercantile profit, &c., &c., and the article which now costs the consumer from 33 to 55 cents per running yard, will probably cost him from 50 to 75 cents. He cannot afford to pay it, he cannot purchase it from the merchant, and the latter will cease to import it.

It amounts, then, to a prohibition. The commercial capital heretofore employed in the procurement of that article, must be thrown out of that employment. The importing merchant loses his profit, the sailors their wages, the ship owner his freight, and the Government its revenue. But the tobacco planter must still procure his coarse woollens; and he has no other resort but the northern manufacturer. The latter sells some substituted article, (most probably of inferior value) only a little lower than the increased price of the foreign article. The difference between the present price of the imported article, and the price which the northern manufacture will cost him, is an entire loss to the planter. Let us suppose that this difference is from 15 to 20 cents the running yard, (and it cannot possibly be less,) and the planter must pay his tribute annually to the northern capitalist, without any equivalent to him-

self, and with great loss to the Government. And here let us pause for a moment, and ask the representatives of the people, for what reason this tremendous exaction is required from the planter? It is declared that the great object is to foster and encourage national industry. What! is not the planter a part of the nation as well as the manufacturer? And if you plunder one part of the nation to enrich another, do you thereby encourage national industry? No! This is an egregious abuse of terms, by which we are to be gulled and cheated. Whatever may be the object, the effect of this measure will be to foster local industry, and to give enormous profits to local capital. It will impoverish the consumer, while it will enrich the manufacturer.

We do most seriously protest against this strong effort to compel the Southern planters to pay more than an Algerine tribute to the Northern capitalists.

A review of many other parts of the proposed tariff will display objections to it equally as forcible as those we have urged. Thus, it may be proved, that the proposed duty on *plains* will be an advance on the first cost of from 50 to 88 per cent. according to the original cost. On cotton goods, the minimum cost of which is fixed by the bill at 35 cents the square yard, the duty will be equally oppressive. Thus, on printed calicoes, which cost from 4½d. to 7½d. sterling, the duty will be from 40 to 64 per cent. on the first cost; on cotton shirtings, cost price from 4½d. to 9d. sterling, it will be from 49 to 70 per cent.; on cotton brown Hollands, which cost 4d. it will be 72 per cent.; on cambric muslins, which cost from 4d. to 12d., it will be from 50 to 95 per cent., and so on with many others.

Your memorialists will state one other example of the effect to be expected from excessive duties. It is proposed by the present scheme to lay a duty on wrought nails of five cents per pound. In 1817 the duty was three cents. At that duty there was imported into Richmond, and chiefly in American ships, 123,972 pounds, giving to the Treasury \$3,699 16 duty. The duty was afterwards raised to four cents, and the whole import of nails, during the year 1822, into the same port, as entered at the custom-house, consisted of

3,635 pounds in American vessels,
56,960 do in foreign do.

60,595, which, at 4 cents, is \$2,423 80.

This statement shows that three cents produced more revenue, by 50 per cent., than four cents, and gave employment to our own ships. That the latter duty amounted to a prohibition, or nearly so, is evident, since the ships by which they were imported were chiefly chartered in Europe, to load in Virginia with tobacco and cotton, and the nails, serving as ballast, were conveyed free of freight. Although the present duty of 4 cents is so excessive, yet it is proposed by the bill to lay an additional duty of 25 per cent. What can be more obvious than this, that the point to be attained is a total and complete prohibition?

Your memorialists believe that the proposed

bill, if it becomes a law, will produce the following effects:

1. That it will greatly increase the burdens of the farmer, the planter, and other consumers. It will compel them to pay dear for those articles of necessity and convenience for which they now pay comparatively less. They will probably cease to purchase the foreign articles, but the home manufacturer will take care that the domestic article, substituted in its place, shall only cost a little less than the foreign. And, as he will have a monopoly of the article, without any foreign competition, his own price will be fixed on it.

2. It will injure the commercial interest, because, unless the merchant can meet with ready sales, and make a reasonable profit on his sales, he must cease to import.

3. It will injure the navigation and tonnage of the country, for, as our imports decrease, so must our shipping, our seamen, and our foreign trade.

4. It will diminish the revenue from imposts, which has heretofore been considered as the most convenient, the least expensive, and the most productive way of raising revenue. If this effect necessarily results, the Government will be compelled to resort to direct taxation, and to excises, whose odious character is so well known as not to require any remarks.

5. It will inevitably produce smuggling, and all of its train of evils, and it is certainly true that there is no country in which this business can be carried on with greater facility than along our wide spread coast.

There is another effect which your memorialists seriously apprehend will take place, and which, though it may not immediately ensue, yet will be attended with more extensive injury than all of the others. Is there no danger, that the Governments of Europe, seeing the restrictions which we impose on their productions, will, gradually, and as it suits their interests, retaliate our measures, and impose restrictions or prohibitions upon our raw materials? If tobacco is, indeed, so peculiarly adapted to our climate and our soil, that no other country can produce it so abundantly and so cheap, can the same thing be said of cotton? We apprehend not. There are many sections of the globe, besides our Southern and Southwestern States, in which cotton can be raised to the greatest advantage, and which will come into competition with our great staple. Already it has been announced, that the importations from Brazil into the port of Liverpool have increased to an alarming extent, notwithstanding the disturbed state of that country. We know that Great Britain is actively engaged in extending her commercial relations with all of South America, and, if she can find a ready vent for all of her cotton goods in that extensive region, is it not to be expected that she will hold forth every possible inducement to the cultivation of the raw material in that country? Will she not, as the supply increases, either impose heavy duties (now very light) on our cottons, or restrictions of some other description, that shall operate against us, while it favors the cottons of other countries? It has been asserted

that the cultivation of cotton has been commenced, with great success, on the fertile banks of the Nile. Egypt would be a most dangerous competitor, if she seriously turns her attention to this object.

If, then, there is danger that Europe can be supplied with this great staple, most abundantly, from other countries, is it not madness for our Congress to adopt a system of restriction on cotton goods, which will have the destructive and ruinous effect of inducing Europe to reject our supplies, and to get them elsewhere? Will Congress thus tamper with the very existence of our cotton-growing States? Will they not pause before they resort to a rash experiment which may bring ruin on the South, and shake our Confederation to the centre?

Perhaps it may be considered as intrusive in your memorialists to speak of these effects upon our cotton-growing States, and that it should be left to the wisdom and sagacity of those people to speak their own complaints to the Government. It is true, that in Virginia very little of that article is produced, when compared with that of our Southern neighbors; and it is also true, that they are able to state their own grievances, and we have no doubt they will do so. But we will beg leave to say, that the commercial and agricultural interests of Virginia are most intimately connected with those of the Southern and Southwestern States. Whatever affects their prosperity, is most sensibly felt by us. Let them be brought to ruin, and our bankruptcy is not far distant.

What is the great and general beneficial effect which the manufacturer insists will be produced by these restrictive measures? It has been said, that the protection of our manufactures, by protective duties, will render us independent of foreign nations. In common with our fellow-citizens throughout the United States, we cherish our political independence, and prize the right of self-government, as the greatest and highest earthly boon, bestowed upon us by the bounty of Providence. But, an entire commercial independence we consider as neither practicable nor desirable. Is it not obvious, that the various soils and climates of the globe are adapted to the growth of various products, and that it is more beneficial for a country to exchange with others its various productions, than to attempt to raise all of them itself? For what purpose did the Great Author of nature provide the great highway of nations, but to enable men reciprocally to exchange their products, and to hold communion with each other with facility?

It is obvious to us, that the independence on foreign nations, of which the manufacturers speak so much, is a misnomer. When rightly understood, it means a *dependence* on themselves.

It has also been said, that the establishment of manufactures will open a more extensive home market for our breadstuffs and provisions. It may be true, that the withdrawing a number of laborers from agriculture, and placing them in manufactories, may diminish, to a limited extent, the productions of the farmer; and though this may

Independence of the Greeks.

be beneficial to that class, in the immediate vicinity of such establishments, its benefits can never extend to remoter quarters; and, in the consumption of the raw material, it cannot exceed one-tenth of the quantity grown. A market such as this, the agriculturists do not ask for, the planter rejects it, and neither are willing to accept it as a boon from the manufacturers, for the great sacrifice they are called on to make, and the burdens it is likely to produce hereafter; they have to pay a most exorbitant price for it, independent of the hazard of being forever excluded from much better and more extensive markets, which we now enjoy at much less expense.

Your memorialists cannot but regret, that, at this day, when the wisest statesmen in England are regretting the pernicious effects of their prohibitory laws, and deploring the difficulties which exist against their removal, our politicians should anxiously wish to introduce that restrictive system into our code, the whole effects of which no man can foresee, and whose intricacy the greatest sagacity cannot unfold.

Your memorialists beg leave further to say, that the restrictions which have heretofore been imposed on the commerce of the country, have always been imposed for great national purposes. The embargo and non-intercourse laws, in all their various modifications, were intended to retaliate upon foreign nations their own injustice, or to defend us from hostility. Their object was, to compel other countries to do us justice; but the present scheme has no such object. At a time of most profound peace, we are called upon to shackle our commerce, to divert our capital from agriculture and from commerce, for the purpose of increasing the profits of the manufacturing capitalist. A deadly blow is aimed at one part of the community, for the sole purpose of benefiting another part of the same community.

Your memorialists, therefore, most earnestly request, that your honorable body will, in your wisdom, think it proper to ward off this evil from us, by rejecting the bill, promptly and decisively.

ROBERT POLLARD,
Chairman.

BERNARD PEYTON, *Secretary.*

MEMORIAL

Of a Committee appointed at a public meeting of the citizens of New York to take into consideration the situation of the Greeks.—December 29, 1823.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the committee appointed at a numerous and respectable meeting of the citizens of New York, assembled to take into consideration the situation of the Greeks, respectfully sheweth:

That the citizens whom they represent, have, in common with their fellow-citizens throughout

the United States, witnessed, with lively sensibility, the heroic efforts of the Greeks, to rescue themselves from Turkish bondage. It appeared to them that the Greek cause was not only entitled to the good wishes of this country, but, as far as might be done, consistently with the views of Government, to every possible assistance. In the opinion of the meeting, the independence of the Greek nation was a subject of the highest concern to the interests of the human race, and recommended itself to the approbation of every civilized people, by the most powerful considerations that could possibly be addressed, either to the judgment, or to the sympathy of mankind.

Your memorialists have accordingly been instructed to apply to Congress, with the request that the independence of the Greek nation might be recognised by the Government of this country. In undertaking to comply with this instruction, the committee conceive that they will have discharged their trust, when they make known to Congress the anxious desire of the citizens of New York, either that the independence of the Greeks may be speedily and formally recognised, or such steps preparatory thereto taken, as may, in the opinion of Government, be consistent with its interests, its policy, and its honor. The suitable time for the exercise of such a prerogative of the Government, must always rest in its sound discretion, and your memorialists repose with entire confidence in the wisdom of the application of that discretion. They would, however, respectfully suggest, that, in the opinion of their fellow-citizens, as far as they have hitherto thought proper to declare it, the Greeks have proved themselves competent to maintain their independence, and that, by their union, their political system, their organization, their strength, their successes, their intelligence, and their determined spirit, they have sufficiently vindicated their title to assume a separate and equal station among the nations of the world.

How far the case of the South American Governments, whose national existence was admitted by the United States some time since, may be deemed analogous, is respectfully submitted to the superior judgment of those to whom this application is addressed. It has, however, been supposed, that there are peculiar circumstances connected with the cause of the Greeks, which ought to awaken the most active concern for their welfare, and which require the application of every just precedent in support of their independence.

Your memorialists would deem it improper, on this occasion, to enlarge on this subject, or to do more than merely allude to the consideration of the barbarous dominion of the Turks, equally fatal to liberty, learning and taste, and under which the Greeks have been most cruelly oppressed for ages—to the spirit of the Mahometan superstition, presenting an insurmountable obstacle to the progress of civilization—to the ingenious, enterprising, free, and commercial character of the Greeks—to their language, their literature, their religion, and their eventful history, exciting the deepest interest in their favor, and endearing them to the Chris-

Independence of the Greeks.

tian world by recollections of their past sufferings, and of their ancient glory.

And your memorialists will ever pray, &c.

Marinus Willett,	Samuel Boyd,
Jno. P. Romeyn,	S. Jones,
Henry D. Sewall,	M. Clarkson,
Felix Pascalis,	Isaac Lawrence,
Hiram Ketchum,	Stephen Allen,
Cadw. D. Colden,	J. Morton,
J. R. Hurd,	Alex. McLeod,
Geo. Demarest,	J. G. Swift,
Jon. Goodhue,	Wm. Johnson,
Nath'l F. Moore,	R. Sedgwick,
Jno. Trumbull,	John G. Coster,
Philip Hone,	Charles King,
Wm. Bayard,	Robert McQueen,
James Kent,	Jos. O. Hoffman,
Richard Varick,	Thomas H. Merry,
Lynde Catlin,	Wm. Paulding, Jr.,
Henry Rutgers,	Wm. Johnson,
Henry Wheaton,	Russell H. Nevins.
John Pintard.	

MEMORIAL

Of the inhabitants of Boston, on the subject of the Greeks.—January 5, 1824.

To the Senate and House of Representatives of the United States, in Congress assembled :

The undersigned, a committee appointed for this purpose by a large number of the citizens of Boston and its vicinity, convened by public notification on the 19th instant, beg leave most respectfully to represent :

That they feel a deep interest in the political situation of the people of Greece ; and rejoice in the information recently communicated by the Chief Magistrate of the United States, " that there is good reason to believe Greece will become again an independent nation."

That the contest of an oppressed and enslaved people for the invaluable blessings of self-government, and of a Christian people for the enjoyment of religious liberty, has a claim to the best wishes of this nation for its eventual success, and to whatever aid and encouragement, consistently with the primary duty of self-preservation, it may have the ability to afford.

No one who has duly reflected upon the consequences which have resulted from our own successful struggle in the cause of civil liberty, not as respects the interests of our nation only, but as it has affected also the condition of the whole civilized world, can hesitate to admit that the question of the erection of a new independent Christian State, is the most momentous that can occur in the progress of human affairs ; and especially deserving the attention of the representatives of a free people.

Centuries, whose annals are filled with the common succession of wars and conquests, may pass away, without being attended with any important result to the great cause of civilization and humanity ; but, the emancipation from a barbarous despotism of a gallant and enterprising and intel-

ligent people, must be followed by the most propitious consequences, and cannot fail to add to the security of all free governments, by increasing the number of those who are devoted to their common defence.

The extermination of the Turkish despotism on the coasts and islands of the Mediterranean sea, has justly been regarded as a more worthy object of concert and coalition among civilized Powers, than any which ever engaged their united attention. The existence of that despotism has reduced to a state of desolation several of the most fertile countries on the globe, and annihilated the commerce that might otherwise have been maintained. It has been attended with the grossest insults and outrages on the dignity of States, and the liberty of their citizens. The maintaining of a powerful marine force, expensive consular establishments, disgraceful tribute, slavery and war, have successively been among the evils to which this lawless domination has subjected the civilized world, and from which our own country has not been exempted.

It is, then, quite obvious that the erection of a new and free State, in the Mediterranean, possessing not only the coasts of Southern Greece, but the islands, particularly of Candia and Cyprus, would form a powerful check upon the barbarous dependencies of the Porte in those seas, and give facility to that commercial enterprise which now finds its way only to one port of European or Asiatic Turkey.

Your memorialists would not presume to make any suggestion as to the course which it may become the American Government to pursue, at this interesting crisis. They feel, in common with their fellow-citizens, generally, the just weight and obligation of that policy which hitherto has prohibited an interference with the internal concerns of any of the Powers of Europe, and content themselves, therefore, with expressing their assurance, that, if the peculiar and unprecedented condition of the Greeks, should, in the opinion of the Government of the United States, form a case of exception to that rule of policy, the measures which may be adopted shall receive their cordial support.

But, your memorialists, at any rate, cannot refrain from the expression of their earnest wish that the indignation and abhorrence which they are satisfied is universal throughout the United States, at the mode in which the Turkish Government is carrying on the war against Greece, should be distinctly avowed in the face of the world, and that other civilized and Christian nations should be invited to join, in a solemn remonstrance, against such barbarous and inhuman depravity.

The sale of forty thousand Christian women and children, (after the massacre of their husbands and fathers) in open market, in the presence of Christian Europe, and without one word of remonstrance from the surrounding nations, is a circumstance discreditable to the age in which we live. If older and nearer nations are silent on such a subject, there is the greater reason, and

the more honor, in giving utterance to the feelings which are excited on this side the Atlantic, and of endeavoring to obtain the interference and combining the sentiment of all civilized nations, to put an end to such horrible scenes.

The just indignation of the world has recently been manifested by a simultaneous effort to humble and restrain the Barbary Powers. Every year has witnessed some new exertion among Christian nations, to abolish the horrible traffic in African slaves; an amelioration of the ancient laws of war with regard to private property, has recently been propounded as a subject worthy the consideration of the nations; and yet, no remonstrance has been made in behalf of Christian brotherhood and suffering humanity.

Your memorialists do, therefore, most earnestly commend to the constitutional representatives of the American people, an attentive consideration of the foregoing interesting and important subjects.

All which is most respectfully submitted, &c.

Thomas L. Winthrop,	Henry Orne,
George Blake,	S. Adams Wells,
H. A. S. Dearborn,	Edward Everett,
Samuel F. Jarvis,	John C. Warren,
James T. Austin,	Warren Dutton.
Samuel D. Harris.	

MEMORIAL

Of the Members of the House of Representatives and Farmers of Pennsylvania, praying a modification of the Tariff.—January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, members of the House of Representatives, and farmers, of the State of Pennsylvania, respectfully sheweth:

That your memorialists, wholly cultivators of the soil, and not otherwise concerned in manufactures than in their own families, are firmly persuaded that the solid interests of the nation require that an efficient protection be afforded to the manufacturing portion of our fellow-citizens who, with few exceptions, have been greatly depressed ever since the return of peace.

The depression of manufactures has had the effect to injure agriculture in a two-fold point of view:

1st. From the close of the late war, it has driven thousands of manufacturers and artisans, natives as well as emigrants, to agriculture: thus depriving the farmers of a considerable portion of the domestic market for the necessities of life, which those classes afford; and, moreover, converting customers into rivals, by the surplus produce, beyond their own consumption, created by those persons thus deprived of employment at their usual occupations, and compelled to resort, for support, to the cultivation of the soil; thereby perniciously increasing that glut in foreign markets,

to which may be fairly traced nearly the whole of the complicated distresses experienced by the farming interest, in the Middle States, in past years, particularly in 1820 and 1821.

2dly. The want of sufficient protection of manufactures greatly impairs the market for raw materials, hemp, flax, iron, hides, skins, &c., for which, at present, the demand is languid, and, in many cases, the price hardly adequate to the remuneration of the producer.

The idea which, in common with the majority of our agricultural brethren, we long entertained, of the advantages resulting from purchasing goods abroad, because they can be had cheaper than at home, has been proved, by experience, to be ruinously fallacious. The saving, supposing a saving really to be made, of a few dollars, in the expense on clothing and other manufactured articles, is but a poor compensation for the great diminution of the domestic market for raw materials, and for the loss of a quarter, or half a dollar, in the price of a bushel of wheat, and in that proportion, in other agricultural productions; which diminution and loss are necessary results of that policy, which so essentially and inevitably impairs the domestic market for those productions. But experience, which is an incomparably safer guide than theory, abundantly proves that even the poor saving which has been so speciously held out, to induce the agriculturists to oppose any further protection of manufactures, has no existence. Of this position, the event of the high duties imposed on coarse cotton goods, removes all possibility of doubt: as the American markets have been steadily supplied, for years, with those articles, very far superior to the imported, and at a much lower rate than we formerly had to pay for the worthless foreign article, for which they are a substitute.

It, therefore, clearly appears that high duties, in this instance, so far from proving injurious to the agricultural interest, have conferred on it a solid and substantial benefit: thus proving the utter fallacy of dogmas, hitherto received by the mass of our citizens with the most implicit confidence. And there is every reason to believe that the same results would follow the adoption of a similar course of proceeding in the case of woollen, iron, and other manufactures. If it were necessary to adduce foreign facts and experience, to prove this effect of domestic competition, both would be amply found in the case of Great Britain, which excludes, by duties nearly tantamount to prohibitions, almost all foreign manufactures, and is yet enabled to undersell, in manufactured goods, in their own markets, those nations which do not protect the industry of their people by adequate duties.

Whatever plausible arguments might be found for the refusal to afford adequate protection to manufactures, during the wars of the French Revolution, when we had abundant markets for all our agricultural productions, are totally inapplicable to our present situation, in consequence of the exclusion of our breadstuffs from nearly all the ports in Europe, unless when the failure of

General System of Bankruptcy.

crops produces a danger of famine. Thus, those nations, from which we receive such immense amounts of manufactured articles, refuse to receive the chief, indeed almost the only important productions, with which nature enables the inhabitants of the Middle States to pay for them. We might, therefore, as we have done in the case of our tonnage, without impropriety, reciprocate prohibition by prohibition. But this is not called for. Such an increase of duty as would prevent our manufacturers from being overwhelmed in our own markets by their foreign rivals, would be sufficient for the purpose.

The pernicious effect of the above exclusion is palpable, from the reduction in the amount and value of the flour exported from the United States lately, as follows:

	Barrels.	Dollars.
Average of 1811, 12, 13	1,383,149	13,980,000
1816, 17, 18	1,121,982	12,346,764
1821, 22, 23	879,743	4,819,506

Thus, it incontestably appears, that the fortunes and prosperity of those of your fellow-citizens engaged in the first and most important of all human pursuits, the raising of grain, and other necessities of life, are held by the precarious tenure of the seasons in Europe. If they are adverse, farming may be prosperous in the United States; but, if otherwise, our hopes of a fair remuneration for our labors are blighted and withered. This servile dependence on the state of the European markets is, we respectfully submit, unworthy of an enlightened age and an independent nation, blest with such transcendent advantages as Heaven has lavished on the United States. Such a state of things is destructive of the vital interests of above two-fifths of the white population of the Union, depending chiefly on farming; and, on every principle of justice, calls loudly on the national representatives for a prompt and decisive remedy.

The protection of that important portion of industry employed in manufactures, at all times a sound and necessary policy, and supported by the opinions of the wisest statesmen, and the example of the most prosperous nations, has become, at present, an imperative duty, the foreign demand for our staples having, as above stated, considerably decreased—the quantity about one-third, and the amount nearly two-thirds, since 1811, notwithstanding the increase of our population in the intervening period. Whereas, our demands for manufactured goods must increase with our increasing population. We, in consequence, buy more from than we sell to foreign nations; and this with nations is unerringly the road to ruin, as it is with respect to individuals.

Were there any doubt on the important subject thus respectfully presented to your view, it would be removed by a comparison of any two tracts of our country, in one of which manufactures are carried on extensively, and in the other, agricultural pursuits chiefly, or wholly, particularly when remote from the advantages of seaport towns, as is the case with one-half of our territories. In the one, agriculture and horticulture, certain of steady and increasing markets, are carried on with life

and spirit—lands are rising in price—every thing flourishes—and, what is of incalculable importance to the farmers, their females and children find valuable employment in and from the factories, for fragments of time which would otherwise be wholly lost. Habits of industry are thus acquired and rewarded, and public and private prosperity promoted. Whereas, in parts of the country destitute of manufacturing establishments, circulation is either arrested, or moves with a sluggish pace—money is rare, and difficult to be procured; there are no markets for horticultural articles; lands are of little comparative value; in a word, every thing languishes. To exemplify this position, and to place it beyond the power of contradiction, it is sufficient to refer to the neighborhood of Providence and Wilmington, on the one hand; and numerous districts in the interior of Pennsylvania, and in the fertile districts of Kentucky and Tennessee, on the other. The difference of soil, and some other natural advantages, is greatly in favor of the latter. But the contrast in prosperity is immensely in favor of the former; and the inference, in support of the system we advocate, irresistible.

We, therefore, respectfully request you will adopt such a modification of the existing tariff, as may afford complete protection to the manufactures of our common country.

[Signed by Jonathan Roberts, and numerous others.]

December 15, 1823.

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia, praying for a general system of bankruptcy.—
January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Philadelphia Chamber of Commerce respectfully sheweth:

That the attention of your memorialists has been once more excited, in relation to the establishment of a system of bankrupt laws, throughout the United States, by observing that the subject has been again brought forward for legislative consideration. From the strongest impressions of the importance of this subject, your memorialists are led to reiterate the sentiments which they have heretofore expressed concerning it, and respectfully to submit them to the present Congress.

The experience of your memorialists has added strength to the conviction, that, not only the commercial, but the common and general interests of the country would be promoted by the establishment of a uniform system of bankrupt law. In the very nature of things, much of the business of the country is, and must be, transacted upon credit; and the consequence is, that, through adverse fortune, bad management, or some untoward cause, failures in business are constantly occurring. As the laws now stand, the complete and

Memorial of Samuel Slater and others.

absolute disposal of their property rests with the debtors, and they designate the trustees, distribute the funds, and coerce their creditors to a release, in such manner and upon such terms as they think proper to impose. It is easy to perceive that, where such is the law, there can be but little hope from the voluntary and partial assignments which are made, that the creditor will obtain his just proportion of the insolvent's effects; and, indeed, in cases of commercial failure, it is now scarcely a matter of expectation that any dividend will be made among the general creditors.

It is both seen and felt that, so far as regards the interests of creditors, such a change of the law as shall produce the certain and equal distribution of the debtor's estate, among all his creditors, is sincerely to be desired.

On the part of the honest and unfortunate debtor, this change is equally desirable. Such debtors experience the greatest difficulty in obtaining that release which a fair surrender of property should effect; and are often compelled to resort to the insolvent laws for a mere protection of the person, and are at last placed in a situation in which there is almost a prohibition of all future efforts. By the prevailing system, they have less favor and protection, or, at least, practically, they experience less, than the fraudulent bankrupt, who boldly imposes his own terms, and compels his creditors to submit to them.

Your memorialists may be suffered to remark, that the provision of the Constitution for a law on this subject, plainly manifests that it is a matter of national concern; and seems to call loudly for the exercise of the legislative functions in relation to it. It would seem that the States are indisposed to exercise the power which remains in them, individually, because the power may be exercised by Congress. The experience of all parts of the country appear to proclaim the insufficiency of the systems of insolvent law which prevail under different forms in the Union, many of which are only endured until a better system can be brought into action; and the sentiment, that a national bankrupt system is required by the interests of commerce and general business, is very extensively prevalent.

It is not the purpose of your memorialists to enter particularly into the discussion of a subject which has been so frequently and fully investigated; but they have thought that the interests which they represent demand that they should again submit their sentiments to Congress, and unite their voice to that of those of their fellow-citizens who are soliciting the enactment of a national bankrupt law. They therefore respectfully request that Congress will take this subject into its early consideration, and adopt such measures as may lead to the establishment of a uniform system of bankruptcy throughout the United States.

By order:

ROBERT RALSTON,
*President of the Philadelphia
Chamber of Commerce.*

PHILADELPHIA, January 1, 1824.

MEMORIAL

Of Samuel Slater and others, a committee appointed by the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, &c.—January 6, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned citizens of the United States, they being a committee appointed by and acting for, the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, humbly sheweth:

That, by the fourth clause of the first section of the act of April 27, 1816, entitled "An act to regulate the duties on imports and tonnage," it was provided, that a duty of twenty-five per centum, ad valorem, should be levied, collected, and paid, on imported woollen manufactures of all descriptions, or of which wool was the material of chief value, excepting blankets, woollen rugs, and worsted or stuff goods; on imported cotton manufactures of all descriptions, or of which cotton is the material of chief value; and on imported cotton twist, yarn, or thread, to take effect on the 30th of June, then next, and continue till the 30th of June, 1819; and after the said 30th of June, 1819, an ad valorem duty of twenty per cent. on such woollen and cotton goods, excepting as before excepted. It was further provided, that all cloths of such cotton manufacture which, with the addition of ten or twenty per cent., should cost less than twenty-five cents the square yard, should, nevertheless be deemed and taken to have cost twenty-five cents the yard, and should pay duty accordingly; that unbleached or uncolored yarn, twist, or thread of cotton, costing less than sixty cents the pound; and bleached or colored cotton yarn, twist or thread, costing less than seventy-five cents the pound, should be valued, respectively, at sixty and seventy-five cents a pound, and should pay duty accordingly. That, by the act of April 20th, 1818, the provisions of the above clause were extended to June 30th, 1826. That, by the general provisions of the second clause of said first section of the act first mentioned, blankets and rugs of wool, and worsted or stuff goods, and all fabrics of linen imported, were subjected to a duty of fifteen per cent., ad valorem, without any minimum valuation. The provisions of the 4th clause, section 1st of the act of 1816, so far as they relate to imported manufactures of cotton, were intended, as will probably be recollected by many of your honorable body, to extend a reasonable protection to the domestic manufacture of coarse cotton goods—a manufacture which had been extensively commenced in this vicinity during the embargo, non-intercourse, and war, and which the return of peace, the restoration of our commercial intercourse with Europe, and the competition of European capital and manufactures with those of our own country, had greatly embarrassed. The wisdom of such a measure was seen and acknowledged by many of our wisest and most patriotic citizens. To save from destruction the great

amount of capital already fixed in the establishments necessary to the prosecution of the manufacture—in the full persuasion, when so fixed, that it would be protected by Government; to promote the home manufacture of an article of indispensable use among the great majority of our population—to secure a home market, and one which might, thereafter, be increased to an indefinite extent, for the valuable staple of Southern agriculture which formed the raw material of that manufacture, and a home market, also, for our grains and provisions, in maintaining the laborers employed in working it up—to encourage the mechanic arts, which had become auxiliary to the manufacture, the commercial, and shipping interests, on which it was mainly dependent for supply and distribution—to meet, eventually, the demand of the domestic market, possibly to furnish, for exportation, a fabric of great exchangeable value—thus far to relieve our country from those exhausting drains of specie which had checked her industry, and reduced many of her merchants and moneyed institutions to great difficulties. These were the praiseworthy objects of those, who, in the session of 1815–16, advocated the clause in question. It has become the duty of your memorialists, most respectfully, to submit to the Legislature the results of their experience, during seven years, of the operation of legislative provisions which have been enumerated; and to suggest such modifications of, or additions to, the existing laws, as may, under present views and prospects, be deemed necessary to the further and effectual promotion of the objects aforesaid.

That the above mentioned modification of the tariff of duties has been productive of much benefit to the domestic manufacturer, and of incalculable advantage to the community, is readily admitted by those who have observed the course of events. The benefit enjoyed by the manufacturer, consisted, principally, in the comparative steadiness which it gave to the market price of the manufactured article. High profits were out of the question in a case where the number, the activity, and enterprise of competitors rendered all plans of monopoly impracticable. Enabled to calculate, with reasonable certainty, on steady and moderate profits, capitalists were induced to embark their money, and artisans their skill and experience. The mills which had been stopped by the difficulties of 1815 and 1816, were gradually put into motion, in some cases by the original founders, in others, by purchasers at sheriff's sales, or under assignments for the benefit of creditors. As the large stock of India and other imported coarse cloths on hand at the passage of the act, or imported before the expiration of the time limited by it, was taken from the market by the consumer, the demand for coarse American cloths increased; but the prices of those cloths were first prevented from advancing by the remaining foreign stock, and, eventually, suffered a reduction, by the rapid increase of the domestic manufacture and the competition among sellers.

In the years 1820 and 1821, the domestic article had occupied the market, to the almost entire

exclusion of similar fabrics of foreign manufacture. In the years 1822 and 1823, so great was the competition among manufacturers, and so large the importation of cheap stuff goods, admitted to entry at a duty of only fifteen per centum ad valorem, and of cheap linens admitted at the same rate, both free from any minimum valuation, that the coarse-cloth manufacture became once more embarrassed, and still labors under great difficulties. A brief view of the policy of the British Government, with regard to manufactures, of the manner in which it renders them subservient to the prosperity of its agriculture and the aggrandizement of its political power, and of the encouragement which it extends to the exportation of the above-mentioned goods, by its drawback and bounty laws, will account for their importation in such large quantities in this country, and indicate the proper measures to be taken by this country for the security of its own agriculture and manufactures.

By prohibiting, under penalties which in some instances touch the life of the offender, the exportation of the raw materials of these manufactures, thus giving to manufactures at home the monopoly at their own prices of those materials, the British Parliament has effectually secured to its own subjects the whole labor of preparing them for the market. The agriculturists are supposed, and with good reason, to be amply remunerated for this restriction on the exportation of those products of their industry, by the enhanced prices of all agricultural products which go to the immediate subsistence of labor. The truth of this remark is fully established by the high rents of lands. The general policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the production of raw material, for manufacture, to the actual demand—in some instances to less than the actual demand—of the manufacturer; and, by an abundant provision of food, to encourage population. The general effect of the system has been to confine grazing—a branch of agricultural labor, which is, when followed independently, the least profitable of all branches—either to land unfit by its natural surface for any other mode of improvement, or to lands which may be profitably appropriated to grazing, during some period of a regular routine of cultivation; and to prevent the cultivation of flax or other substances forming the raw materials of manufactures, except as intermediate crops. A numerous population may exist with comfort for a long time, although deprived of a full supply of the raw materials of its usual labors, but cannot exist in comfort a single day when deprived of a full supply of the food necessary to its subsistence. The first-mentioned deficiency may be supplied by importations from abroad, but to supply the last by such importations might be impracticable. Hence the wisdom of the above system.

The first grand principle of British policy, therefore, is to increase the individual number and positive physical power of the community. Its second grand principle is, so to regulate the exchanges

between that community and foreign communities as to enhance the relative power of the former by obtaining from the latter such articles of exchange as have been produced at a greater expense of human labor, in payment for articles of its own production, obtained at a smaller expense. This object is accomplished by supporting its own side of the exchange with the labor of human hands, assisted by labor-saving machinery; by obtaining raw material for manufactured goods. The use of labor-saving machines, which cost nothing but the expense of their construction and repair, enables one man to perform the work of fifty men, not using such machines. But the production of raw materials cannot be thus facilitated. It requires the actual expenditure of human strength to the amount of the production; and that strength must be maintained by a continual expense of food, of raiment, and lodging. The community, therefore, which exchanges such manufactured articles for raw materials, buys the labor of fifty men for the labor of one man, and enhances its own relative force, while it diminishes the relative force of all communities with which it exchanges on such terms.

In this view of the subject, the British Parliament has continued, from the time of Edward the Third, to restrict the domestic productions of the raw material of manufactures, for exportation, in the raw state; to encourage the home manufactures of the raw materials produced; and the exportation to foreign countries of the manufactured goods. In like manner, the importation of all manufactured articles, the raw materials of which could be produced at home or obtained abroad, or for which a substitute could be found among domestic manufactures, has been either prohibited or restricted by high duties. A modern instance of the adherence of the British Parliament to the policy of Edward may be found in the history of the British cotton manufacture, and is worthy of imitation in this country. One great branch of the trade of the British East India Company, from its first incorporation, to the rise of the cotton manufacture in England, consisted in the importation from India, and sale in England, and other parts of Europe, of India cotton cloths, of all descriptions. The condensed population, abundance and cheapness of provisions, and low rate of labor, in the Indian peninsula, enabled the company to purchase cloths in that country at prices which bid defiance to all competition, by manual labor alone, in every other country. Their profits, therefore, on the importation and exclusive sale of these goods in Great Britain were enormous. But the invention of labor-saving machinery for spinning cotton, first made by Arkwright, and afterwards improved by himself, and others, threatened to deprive the company of this source of profit. In the year 1787, one hundred and forty-three cotton mills had been constructed, or were in progress, at an expense of one million sterling. Those in operation employed a great number of people. The muslins, calicoes, and other cloths, produced, were more substantial than the India goods. The

Company became alarmed, and, in order to check this rising domestic manufacture, imported a very large amount of the Indian fabrics, which they sold at prices 20 per cent. less than those of the domestic manufacture. Though this was a contest entirely confined to British subjects, the British Parliament very promptly interfered in favor of the home manufacturer, and, that same year, imposed a duty of 50 per cent. ad valorem, on the wholesale prices of the imported goods in England. In 1798, this duty was raised to one hundred and twenty-two per cent. ad valorem. By such effectual protection has the manufacture of cotton in England been fostered, that cotton cloths, to a large amount, are now actually sent to India;* and no country, which does not protect its own manufactures by legislative enactments, can reasonably hope to compete with British fabrics in its domestic markets.

But, the monopoly at their own prices, of the raw materials of manufactures produced at home, and the exclusion, from the home and colonial markets, of all goods of foreign manufacture, are not the only encouragements extended by the British Government to the domestic manufacturer. The system receives a new impulse from the acts of Parliament, which allow drawbacks and bounties, on the exportation of certain manufactured goods. These inducements to exportation have a great effect on prices, when the domestic market is threatened with a glut, by redundant manufacture. By relinquishing, in nearly every instance, the excise on the manufacture when exported, or the import duty on the raw materials, of which the manufacture is composed, by paying, in many instances, a direct bounty on the exportation of goods, the raw materials of which are wholly, or in part, of domestic origin, they encourage the manufacturer to persevere in his business. With a reasonable certainty that the

* Extract of a letter from a merchant in Manchester, England, to a merchant in Providence, Rhode Island, dated August 23, 1823.

"In cottons, the supply of India, in 1815, under the ancient system of monopoly, by the Company, was, in value, £109,480. In 1821, the supply of the same article, under the existing system of free trade, was £880,881. In 1822, the value of the supply was, £1,020,325, that is, exceeding ten times the amount of the former average supply. In 1815, the quantity of printed cottons, exported from Great Britain into India, was 604,800 yards. In 1821, the quantity of the same export, was 7,602,245 yards. In plain cottons, the increase is equally astonishing, although it may be considered that they produce plain cottons themselves cheaper than any other fabric. In 1815, the quantity of plain cottons, exported from Great Britain into India, was 213,408 yards. In 1821, the quantity of the same manufacture, was 6,724,031 yards. In 1822, the quantity was 9,940,736 yards. If the English manufacturers can stop the spindle and the shuttle of the Hindoo, who is supported upon a handful of rice a day, in a climate where little is required for clothing or shelter, they may feel secure of those, and all other markets, where their goods are allowed admission for consumption."

drawbacks or bounties will enable him to export, or sell for exportation, without positive loss, he continues to add to the stock of exchangeable commodities. His laborers, with constant employment, consume and pay for the products of agricultural industry; his goods are distributed, and his supplies obtained, by the mercantile and shipping interest, and the country prospers by the united labors of all branches of its citizens.

The permanent effects of these drawbacks and bounties on the manufacture of other communities, form another object of the policy of Parliament. Whenever an article, entitled to drawback or bounty on exportation, has become accumulated in the hands of the manufacturer, he obtains a present relief, in the sum which he receives on the exportation of a part of his stock. The subtraction, from the domestic market, of only one-twentieth, or one-tenth of the whole, gives to the remainder a greater value in that market, than the whole would have commanded before. If the goods thus subtracted be suddenly thrown into the market of a foreign nation, whose domestic manufacture of similar goods is equal to its domestic consumption, or nearly equal, the market value of the whole domestic stock is suddenly reduced, perhaps twenty or twenty-five per cent. The domestic manufacturers of the nation in question are obliged to suspend their industry, perhaps to abandon their works altogether, while the British manufacturer sustains no loss, or a very trifling one, on his shipment, raises the price of his wares in the British market, and is enabled to keep his works in constant operation. He can repeat his shipments, with the certainty of a profit, until the partial revival of the foreign manufacturer compels him once more to make a temporary sacrifice. But the gains of the British, and the losses of the foreign manufacturer, by these transactions, are trifling, when compared with the gains and losses of the communities to which they respectively belong. In the former, the laboring classes are kept in constant employment, and supported on the products of agricultural industry. In the latter, they must be discharged from the factories, and contribute, by their labor on the land, to increase the quantity and diminish the market value of agricultural productions.

When we look at the amount of these drawbacks and bounties on the exportation of some of the manufactured articles in question, we are not surprised at their effect on the manufacture of coarse cotton cloths in this country; on brown and white linens, the cost of which, to the British manufacturer, does not exceed eighteen pence sterling the yard, a drawback of $1\frac{1}{2}$ pence is allowed. Some of these linens brought to this country cost no more than $4\frac{1}{2}d.$, and the great bulk of them do not exceed $7\frac{1}{2}d.$ The drawback on the former is $33\frac{1}{2}$ per cent., and the average about 20 per cent., thus paying the freight and duty to this country. Immense quantities of these goods are imported to discourage the manufacture in this country of coarse cotton cloths. They are highly finished, but of little real value, compared with the domestic goods. A new mode of evading the minimum

valuation on cotton goods has lately been found in the importation of mixed fabrics, checks, plaids, sheetings, &c., the webs of which are composed partly of linen and partly of cotton, cleared out from Great Britain, and entered in this country as cloths, of which linen is the material of chief value, they are entitled at the custom houses of Great Britain, to the bounty of $1\frac{1}{2}d.$ or $3\frac{1}{2}d.$ sterling the square yard, and pay in those of this country an ad valorem duty of fifteen per cent. This evasion enables those who practice it to introduce goods which interfere with our coarse cloths, at a cost here considerably less than their market price in Great Britain; and to defraud our revenue at the rate of ten per cent. on the whole amount of fine goods of this description imported. On coarse stuff goods, exported and admitted here on payment of fifteen per cent ad valorem, no drawback or bounty is, we believe, allowed; but such allowance is rendered unnecessary by the low price of the raw material, the natural effect of the acts of Parliament, restricting its exportation in the raw state. The qualities of wool, composing the raw material, are bought by the manufacturer at from $6d.$ to $9d.$ sterling the pound, and would, if they could be exported free of duty to this country, command from twenty-two to thirty-five cents the pound—thus giving, really and substantially, an advantage to the British over the American manufacturer, of one hundred per cent. in the cost of the raw material.

Printed cotton calicoes, vestings, and other wares of a like description, on which, when exported, the British Government pays a bounty or drawback of $3\frac{1}{2}d.$ the square yard, something more than the duty here, greatly embarrass also the sales of American plain and colored goods. If the coarser fabrics of this description were excluded by an adequate valuation and duty, the manufacture of plaids, checks, &c., now nearly ruined, as well as the printing of cottons, already began in several parts of this country, would be greatly encouraged. The works of our manufacturers peculiar to the manufacture of plaids and checks, would again become valuable, and the printing of cottons would create a new demand for their plain goods. It would be important to the manufacturer, in the steadiness of price which it would produce, to the revenue of the country in the duties on the additional quantities of dying drugs required, to the farming interest in the new demand which it would create for the necessities of life to a new class of manufacturers.

On the foregoing view of the cotton manufacture of this country; of the rivalships to which it is exposed; and the embarrassments to which it is subjected; your memorialists would respectfully suggest, to the wisdom of your honorable body, the following modifications of existing laws:

That the minimum valuation of twenty-five cents the square yard, and ad valorem duty of twenty-five per cent. be extended to all uncolored cloths imported, whether of worsted, cotton, or linen. That a minimum valuation of thirty-five cents the square yard, and an ad valorem duty of twenty-five per cent. be imposed on all colored,

Memorial of Samuel Slater and others.

printed, or bleached goods imported, whether the same shall be of worsted, cotton, or linen.

That a minimum valuation of one dollar and thirty cents a pound, and an ad valorem duty of twenty-five per cent. be imposed on all imported cotton or linen thread, twist, yarn, or floss. That the aforesaid valuations and duties be made permanent; and that, in every instance of the importation of such goods, there be added to the said duty of twenty-five per cent. ad valorem, a sum equal to the amount of all drawbacks, bounties, or other payments, received from, or secured by, the custom-houses of the country whence said goods were imported, or otherwise secured or paid by the Government of said country.

A general revision of the tariff of duties, and a moderate enhancement of the duties on imported manufactures, the raw materials of which may be found at home, or are within the reach of our commerce, would, also, we are persuaded, greatly assist your memorialists, by the relief which it would soon afford the currency of the country, and the new incentives which it would offer to enterprise, to industry, and skill. In proportion as the rewards of labor are increased, will its ability and disposition to use the necessities, the comforts, and luxuries of life, be aided and stimulated.

Your memorialists are aware that many objections have been made to any modification of the tariff, whether general or partial, for the encouragement and protection of manufactures; and they are induced, by their respect for the public opinion, as well as for the talents and patriotism of many individuals, in and out of Congress, urging those objections, to offer their own views of these topics, which have been most frequently dwelt upon.

We are told that the regulation of the business of individuals is no part of the duty of Congress. To this, we reply, shortly, the express power of regulation given by the Constitution, and exercised by Congress for more than thirty years, in regulations, almost without number, and touching the trade and industry of the nation in almost every conceivable point.

Another objection, of more serious import, is found in the alleged reduction of the revenue, consequent upon any considerable check on the sale of foreign manufactures in our own markets. To this, we reply, that an exclusion of articles now taxed, will not diminish, but rather increase, the common fund from which taxes are paid—will increase the ability to buy and pay for other articles, still subjected to taxation, and that the consumption of a community is bounded only by its ability to purchase the articles consumed. In proportion as the country is relieved from the payment of the sums now sent abroad for manufactured articles, for which substitutes are provided at home, those sums will be appropriated to the purchase of raw materials or manufactured articles which cannot be produced here. The personal observation of your memorialists confirms this position. Since the rise of the domestic cotton manufacture, thousands of families, who,

before its rise, were unable to purchase imported luxuries of food and dress, have become able to do so; and the sales of sugars, teas, and coffee, of silks, crapes, and fine muslin, have been greatly increased, in the neighborhood of the cotton mills. If any reasonable apprehension is entertained on this point, a deficit of the revenue may be prevented by enhancing the duties on the above articles. Silks, in particular, which now pay only fifteen per cent. ad valorem, would bear a duty of twenty-five per cent. without any considerable diminution of their use.

Another objection, zealously urged against the legislative protection of manufactures, is, that the price of the articles on which increased duties are laid, will be materially enhanced to the consumer, who, it is said, will be obliged to pay the American manufacturer whatever price he may choose to set upon his fabrics, since there will be no foreign competition in the way. The same objection was urged against the act of 1815; but the event has fully proved its fallacy. In a very short time after the law was passed, the rapid increase and extension of the cotton manufacture caused such a competition among our own manufacturers, in the article of coarse, brown, and white cottons, the only fabrics protected by that act, that the country became, and still continues to be, fully supplied with the article, at a much less price than similar articles were formerly imported at, without taking into consideration the superior quality of the domestic cloth. This experience of the efficacy of a system of legislative protection to manufactures, affords, we believe, ample reasons for supposing, that were an effectual protection extended to all our manufactures, the rivalry of the American manufacturers, themselves, would prevent the advance of prices, and supply the country on as cheap as, perhaps on cheaper terms than similar articles from abroad now cost us.

The exclusion of an unsubstantial foreign fabric has been pronounced a tax on the poor, for the benefit of the rich. How can that be a tax which has substituted a more durable fabric, at half the price of that excluded—which has multiplied the demands for labor, and increased the reward which it receives, and, consequently, its ability to pay for the cheaper fabric? The accusation is untenable.

It has been stigmatized as an odious monopoly. As between the American community and all others, it is, indeed, a monopoly inculcated by a regard for our own interests, odious only to foreigners, who owe us no allegiance; whose interests we are not bound to consult, at the expense of our own citizens. As between citizens of the American community, it is no monopoly; for every citizen may participate in the benefits of the domestic manufacture, and all are mediately or immediately interested in its success.

It has been strenuously argued, that the legislative protection of manufactures, will annihilate commerce. If your memorialists believed this, they would hesitate, at least, before making the present appeal. Some of them, and very many of the persons whom they represent, are ship-owners

Memorial of Merchants, &c., of Connecticut.

and merchants, deeply interested in every branch of foreign and domestic commerce. But their personal observation and experience convince them that this argument is one against fact, that since the rise of the cotton manufacture in Rhode Island, both the coasting trade and foreign commerce of the town of Providence, the principal focus of supply and distribution for it, have greatly increased. The former, in particular, has more than doubled. The aggregate of commercial transactions in Providence, has increased in the same ratio. The ports of Mexico and South America, no longer, as formerly, closed against foreigners, have already afforded markets for partial shipments of coarse cotton cloths, and will, it is hoped, hereafter receive more considerable quantities of these and of other products of our agriculture and manufactures. To send our cottons and other raw materials of manufactures to foreign countries, not in the crude state, as at present, but quadrupled in exchangeable value, by the labor of our own citizens, supported in that labor by the products of our own agriculture, would place our commerce on the most permanent footing, and render the fields of this country more productive, in every thing which constitute substantial wealth, than all the mines of Mexico and Peru. Such a result is certainly attainable, if we may be allowed to conclude from the experience of another nation.

We are persuaded, therefore, that there is no reason to apprehend any injury to our commercial interests, by the encouragement of domestic manufactures; and we believe that those interests will receive additional support from every measure calculated to assist them.

With still less reason can it be asserted, that the encouragement of manufactures, by restrictions on importation, is a tax on agriculture. The new value given to the crude products of the earth, in rendering them fit for use, consists entirely in the labor of man. If manufactures are to be created or extended in a country where they do not exist, or exist in very small numbers, the labor which is required for their prosecution must be maintained for all the essentials of life, on the products of domestic agriculture. If that labor be drawn from among the natives of the soil, then the number of persons employed in producing food must be diminished, as well as the amount of food produced. The prices of agricultural labor, and of its products, advance in proportion to the increased scarcity of both; and farming becomes a more profitable business than it was before; for a number of persons have ceased to be rivals of those who follow it, and have become their customers. If the additional labor required be imported from abroad, then the community gains an immediate addition to its strength, and the farmer an addition to the number of his customers, the prices of his corn and provisions, and the profits of his business.

But, the additional profits which the farmer reaps by the encouragement of manufactures in his neighborhood, are not the only advantage of the measure: while he sells dearer, he buys cheaper. Encouraged by the exclusion of foreign, or preference given to domestic manufactures, the

number of hands engaged in the latter is rapidly increased, and the profits of their business are gradually diminished, till, at length, that business becomes no better than other trades; and the farmer is enabled to buy his raiment without paying the expense of its transportation from a distant country.

Thus, mutually assisting and assisted, agriculture and manufactures enrich each other and the community at large. The surplus product of the land and labor of the country, beyond the demands of its population, goes to foreign communities, in the form of manufactured articles, in exchange for raw products or manufactures peculiar to the soil, the climate, or industry, of those communities. Commerce, the great chain of connexion between communities, is established on the firmest basis; and, ministering from the abundance of one to the wants of another, extends the bounds of civilization, of science, and of freedom, to the remotest habitations of the human family.

Samuel Slater,	Philip Allen,
James Rhodes,	Benj. Aborn,
William Harris,	Wm. Rhodes,
Samuel Greene,	Cyrus Butler,
Timothy Greene,	Geo. Jackson,
Walter Paine,	Edw. Carrington,
Hy. P. Franklin,	Abm. Wilkinson,
Ephm. Talbot,	Benj. Cozzens, Jr.,
Wm. Sprague,	John Slater,
Seth Wheaton.	W. E. Richmond.

MEMORIAL

Of sundry manufacturers, mechanics, and friends to national industry, of the State of Connecticut.—
January 19, 1824.

At an adjourned meeting of the friends of manufactures and national industry, held at the State-house in Hartford, Connecticut, on the 1st day of January, 1824, the following memorial, reported by a committee, consisting of two delegates from each county, was unanimously adopted, and ordered to be transmitted to our Senators and Representatives in Congress:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of manufacturers, mechanics, and friends of national industry, citizens of the State of Connecticut, humbly sheweth:

That, while they duly appreciate, they are desirous to embrace the privilege guaranteed by the Constitution, to assemble together, and petition Congress for a redress of their grievances. As a component part of a large and flourishing Republic, they sincerely hope their memorial will meet that attention which justice and policy alike demand.

Encouraged by the example of every nation, and by the proffered patronage of our own, your memorialists have, in many instances, embarked their whole property in manufactories calculated

to afford a decent livelihood, while they advanced the general good—some have unwisely borrowed capital, and pledged their establishments to creditors for advancements—and while creditors are pressing these demands, because they doubt the security, the unfortunate manufacturer is compelled to witness his certain ruin in the decay of machinery which he cannot use without a still speedier destruction. For, such is the lamentable condition of manufacturers generally, that some are stopped entirely, and others are barely kept in motion to preserve the property. Your memorialists, therefore, ask, with anxiety, if the hand of Government cannot be extended to their relief. The speculative statesman may view with rapture the foundation of our greatness, and boast of independence, while the manufacturer mourns over the preference indirectly shown to foreign fabrics, and laments the indifference to the wants of legitimate children.

It is a fact, undisguised, that the hopes of the manufacturer must perish unless something effectual is done. The question is then asked, shall your memorialists be crushed by the artful designs of rivals abroad? Cannot Congress afford some protection without endangering the welfare of the country? Nay, can our independence in war and in peace be preserved unless the manufacturing interest is supported? How humiliating the reflection! what a stigma on national character, that, in war, we must smuggle from our enemies the comforts and necessities of life?

The last war has proved the weakness of our resources, when we could not supply a few blankets for the Indians. It was then that a patriotic ardor burst forth, and honesty and good faith were pledged, to cherish a benevolent intention to furnish supplies at home. Then it was that capitalists sought out the best location for manufacturing establishments, and, in the love of country, laid the foundation of future *comfort* or *ruin*. Soon after, Congress ventured, against the many predictions of some members, to grant a heavy duty on coarse cottons—an experiment which must satisfy the statesman of the policy of increasing the tariff on other articles.

Did your memorialists conceive that the interests of manufacturers were distinct from those of the nation at large; did they recognise them as laying claims to *exclusive*, or any protection than what is due to others; did they view them as men engaged in occupations and pursuits which, instead of promoting general prosperity, tended only to their individual emolument; they would unite with the enemy, and leave them to struggle unassisted against the calamities that befall them.

Your memorialists ask not for exclusive privilege to establish a monopoly. They only ask for a due share of protection. Nor, while they see millions expended to support a navy to protect the merchant; while thousands are voted to open new avenues to trade, and increase the splendor of Courts, by sending Ambassadors, Consuls, and agents, abroad, they offer no murmur or complaint: and while they cheerfully acquiesce in all just measures to advance the glory of our Republic,

they confidently rely that the interests of your memorialists will not be forgotten.

But, inquiry may well be made, whether, extending our acquaintance and commercial intercourse with foreign ports to increase the influx of luxuries, will not prejudice internal economy, unless we can export something besides dollars to liquidate the balance of trade.

As the happiness of domestic life is frequently destroyed by cultivating too extensive an acquaintance with the great, may not our Republic, in their zeal for glory, overlook internal polity? The mechanic and manufacturer, sensible their vocations are confined to the humbler walks of life, and cannot gratify the ambitious by elevation from equality with other citizens, do not expect from the political adventurer any certain assistance; yet there are many, "whose hopes are our hopes," who practically feel the distress of their constituents, and are destined to suffer or enjoy with them alike in adversity or prosperity—from such is anticipated an honest zeal.

Your memorialists would respectfully ask, whether they have in vain placed their confidence in the help of Congress. The subjects of England and France, and, indeed, of almost every other nation but our own, are prosperous in their manufactures—and why? Because Government promptly tells them, "you shall be protected, and foreign fabrics excluded, so far as they come in competition." But, when the manufacturer here asks for assistance, the answer is, *no*; our revenue will be affected. The wheels of Government must stop, if duties on imports are diminished. And the Southern planter says, *no*; why should I be taxed, or why should one portion of the country be compelled to build up another? The manufacturer is directed to look for consolation to the "let us alone policy," and turned off with the chilling reflection that, although all is hazarded, he finds no relief. But, are the common objections substantial? If the duty on certain articles was increased, a smaller importation might afford equal or greater revenue.

The same clamor was made when the duty on coarse cottons was increased, and, notwithstanding the fearful forebodings of opponents, no evil then resulted to the Treasury. If, then, we seek a suitable time for the experiment, (if increasing the tariff can be deemed one,) what moment more auspicious than the present, when the Treasury is prosperous, and when a mite given in season, is better than thousands too late?

But will an increase of the tariff injure the Southern planter? He is now protected by a duty on tobacco and sugar, from 50 to 100 per cent., while the manufacturer of the Northern and Middle States is left to contend against every disadvantage.

Cotton is now the great remittance to liquidate the enormous debt due from citizens of the United States to Great Britain. But how soon will England supply her manufacturers of wool and cotton from her own colonies, the West and East Indies? How soon will the island of Jamaica change the culture of cane, at present unproductive, to

Duties on Sales at Auction.

the culture of cotton? The time may not be far distant. In that event, where is the planter to find his market? Not in the Republics of South America. They have no manufactures. Should, however, the manufactures of the Middle and Northern States be extended, by suitable encouragement, how easily would the planter find a sure market, and the coaster employ, in transporting manufactured cottons to the new and important ports of the South? By supplying our markets with domestic fabrics, we diminish the demand for foreign cloths, and with it our vast indebtedness; and as the indebtedness diminishes, the demand for cotton for exportation will be proportionably lessened.

There is, however, some apology for former opposition from the South, to high duties to aid the manufacturer of the North. For it must be admitted, that, until lately, there was a moral inability to supply the demands for cloths, by domestic manufacture. A high duty, then, would have enhanced the price of bagging and clothing for the slaves. But that time is past. Whoever will examine the extent of our manufactures, a subject little understood by the Southern States, must admit a present ability within ourselves to furnish every article of clothing, fine linen and silk excepted. Your memorialists do not suppose their interest alone is to be promoted by a revision and increase of the tariff. The languishing prospects of the agriculturists rest upon the final decision of this question. Their granaries are full, domestic markets supplied, and foreign markets glutted. The farmer who, with the productions of his farm, pays the mechanic for the labor of his shop, affords a familiar example of the benefits of a domestic market. The latter, prevented by the nature of his employment from cultivating the earth, is dependent on the farmer for supplies; and, in exchanging for his labors, receives the surplus produce of the farm. This, with the extension of numbers, applies equally well to manufactories.

It is estimated that in 1820 the manufactories in Oneida county, New York, consumed \$110,000 of agricultural productions; and that more than \$40,000 worth of flour, and 200,000 bushels of corn, have been imported into Providence during the last year, and consumed principally by those interested in manufactories; whereas a market is not afforded for one pound of our flour, wool, flax, or hemp, by the British, who sell us manufactures to the amount of \$40,000,000, annually. The growers of these articles could not be injured by an increase of duty on imports, but benefited, since our home manufactories consume more of our breadstuffs than the whole continent of Europe, and, we might add, that of the East Indies.

Why, then, should not manufactures be encouraged by a higher tariff? Will patronage lead to an extravagant investment, or will fabrics advance in the hands of monopolists? The present suffering of the manufacturers will check any immediate ardor; and, so far as respects monopoly, it is justly remarked that the internal competition which takes place, does away every thing like monopoly, and by degrees reduces the

price of the articles to the minimum of a reasonable profit on the capital employed.

Your memorialists would further state, that the manufactories of iron, in this State, are suffering under their discouragements; that these important establishments will never flourish, while they have to compete with the Russian and Swedish nobility, who supply this country. We say nobility, for the iron factories, in Russia and Sweden, are carried on by the manual labor of an indigent peasantry, who are attached to, and transferrable with, those vast estates, and who receive no further compensation than a bare subsistence; and while hemp is imported without duty, iron will continue to be brought to this country as ballast, at a very moderate freight. In 1820, it is supposed 32,000 tons of iron was consumed, three-fourths of which was imported. And it may further be remarked, on this point, that the depreciation in the price of iron in Russia and Sweden, within two years, has equalled nearly the present duty. And should our friendly relations cease with Russia, the leading member of the Holy Alliance, we should need from our enemy that important staple, iron, without which, we should be far from independence.

In addition to the facilities of importing British goods, the opportunity afforded the British manufacturer of sending his goods immediately to auction, with little or no comparative expense, will continue to discourage the fair merchant and manufacturer, who, while they vend their articles, are obliged to pay rent, taxes, and furnish their proportion for national support and defence. It cannot be concealed, that the British have regarded our commerce and manufactures with a jealous eye, and will adopt every measure to depress our manufactures while they crowd on us their fabrics. Already does the Cabinet of St. James contemplate further patronage, by allowing a drawback of twelve per cent. on foreign wool. Should this measure be adopted, our Government must extend still further encouragement by increasing the tariff, or our manufactures must inevitably fall; and the political axiom should be engraven on the heart of every statesman, that, while England and France are our friends in peace, they are our rivals in trade.

Your memorialists, therefore, pray that Congress would revise and increase the tariff, by such additional duty on woollens, fine cottons, and iron, and such duty on auction sales, as will encourage the manufacturer, and protect him from the greatest evil—the arts and designs of rivals abroad.

DAN'L BURROWS, *Chairman.*

Attest: HENRY L. ELLSWORTH, *Secretary.*

MEMORIAL

Of sundry merchants, manufacturers, &c., of Baltimore.—January 19, 1824.

To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, merchants,

Duties on Sales at Auction.

manufacturers, mechanics, and property-holders of the city of Baltimore, respectfully sheweth:

That they, in common with their fellow citizens of the other commercial cities of the Union, being seriously affected by the extensive evils which have resulted, and which are still augmenting, from the change that has taken place in the prosecution of trade, from a regular system, under which its advantages were generally divided, to the management of it through extensive public auctions, whereby its profits are monopolized by a few; and relying upon the wisdom of the National Legislature to protect and foster the soundness of our institutions, beg leave to present for consideration some of the leading facts connected with this important subject, and to petition that such a tax may be imposed as will place the trade carried on through the medium of public auctions, and that which is prosecuted in a regular way, on an equal footing.

Your memorialists with confidence represent, that of all the public and private sales of manufactured goods made by auctioneers in the city of Baltimore, it is believed that full three-fourths of the amount is on foreign account.

From this fact alone, and considering that nearly all foreign business is done through them, clear of the usual expenses of a commercial establishment, your memorialists conceive it to be rendered evident, that they are the means of transferring from the resident merchants to foreigners, the superior advantages of a market, which is created and kept up by the concentration of our citizens, at a great expense, without contributing, in any material degree, to support the public burdens, or to maintain the market, by keeping the citizens and capital together, which constitute it. If the entire trade of one of our large commercial cities were forced through one great auction establishment, the consequences would be still more seriously felt; so your memorialists apprehend, in proportion as the trade verges into, and becomes imbodyed, and monopolized by a few, as it now is under the auction system, that the profits and emoluments of it, which are now carried off by the owners of foreign merchandise, residing abroad, will be rendered less beneficial to all other parts of the community.

If it be true that a division of capital, extending from a few to the many, increases the productiveness of it, it must be equally correct that the division of business and its emoluments operates in the same way, and with equal benefit. In some of the commercial cities, your memorialists beg leave to notice, that the auction business exists under the patronage of the State authority, and the number of auctioneers is limited entirely by the pleasure of it. From the heavy current of business which this eminent advantage secures to them, they are raised above the rivalry of other merchants in effecting also extensive private sales.

The whole expenses of resident merchants, together with all their surplus profits, being retained in the same community, contribute in return, and in a very considerable degree, to support the ar-

tists and laboring classes of our towns and to furnish the agriculturists of our country with the means of supplying themselves with such articles of foreign and domestic manufactured goods as are essential to their convenience, each deriving some benefit from the services and the expenditure of the other, and thus a general improvement results from the labor of all. But under the auction system of trade, nothing is felt but the commission of the auctioneer, and in some cities a small corporation tax; whilst all the profits which arise from that heavy proportion of it, done on account of foreign houses, become withdrawn as soon as they are realized. This class of profits, it is known to practical men, has proved to be very extensive.

When the business of a foreign house, having all the advantage of the market, is done at so much less expense than that of a resident merchant, who sustains the very same market, it may reasonably be apprehended that the auction system will continue to encroach upon the regular trade, until it shall ultimately extinguish it; and thus put out of employment, or continue to render unemployed, a vast amount of property, and with it a considerable number of merchants, and persons of other pursuits.

Turning from the direct pecuniary considerations of the case, your memorialists would also beg leave to place under your view some of the immoral consequences which are produced by the auction system of trade. Under it, great irregularity and artificial excitements are produced on the market, which lead our trading community, more especially the junior class of merchants, whose soundness of principle it would appear to be the true policy to foster, from the sober calculations of integrity, predicated upon the cost and regular consuming demand for commodities, into rash adventure and habits of chance, which bear a greater affinity to gambling than to commerce or trade. The most artful generally overcome the more honest in the operations of scheme and hazard; and when, under a corresponding depression of market, which generally follows a previous excitement, the weaker class become oppressed or broken down, and the strong become injured, the auction system offers its ready aid, to lead into depravity those who might otherwise, by a timely arrangement with their creditors, at least have retained their reputations for honesty.

Merchants, who become a little embarrassed from a course of trade so confused, and who, under a hope of recovering their strength, are allured to purchase on credit from regular houses, convey the goods secretly to auction, and pledge them for money at a heavy usurious interest, to be thus absorbed by expenses, or forced off at a sacrifice, without the presence of a fair demand; and if a commercial friend is to be secured for his endorsements at bank, or for his endorsements for purchases at auction of merchandise frequently owned abroad, the regular resident trader is here again exposed to the hazard of being defrauded in this way, by the inclination of the purchaser to satisfy what may be a foreign debt, and the auction

Revision of the Tariff.

again lends its aid to carry on and cover the fraudulent operation.

These practices, when once begun, are frequently repeated; and, taken in connexion with the other destructive means of raising funds, convey more merchants to ruin, after the first stages of embarrassment, than all their losses on a regular trade; and exhibit, at one view, the principal cause why the commercial failures, in our large cities, are more frequent, more desperate, and involve more depravity, than in the country, where the operations of trading men do not admit of the same concealment. Thus, it appears, that the auction system, derives a part of its sustenance from the victims of ruin produced by its own destructive operations.

Another great evil which your memorialists would urge, as growing out of this system, is the injury it occasions to the revenue. The American merchant, in making his purchases in Europe, is obliged to pay the manufacturer's profit, and, in many instances, the factor's profit; he must employ an agent, who charges a commission, and is subjected to various other expenses which the foreign manufacturer can avoid; upon all of which he pays a duty to Government: Whereas, there is too much reason to believe, that the foreign manufacturer does, in many instances, pass his fabrics through our custom houses at the net manufactured cost, and thus pays considerably less duty, than the resident importer pays on the same articles. By these means, he is actually enabled to vend his productions in the American markets, at less than the same goods could be imported by our own citizens, and yet secure a profit. The confidential and intimate connexion which exists between some of the auction establishments of this country and the manufacturers in Europe, facilitates these operations, and contributes, effectually, to drive the American merchant out of the market; while it also greatly affects the revenue of the United States, by reducing it much below what it would be, were the same goods imported by our own citizens. This course of business also throws the whole profits of the trade into the hands of foreigners residing abroad, to the great impoverishment of our own country, and increase of the balance against it.

Considering, therefore, as the auction system of business cannot, from its own nature, afford any peculiar profit or emolument, or any peculiar advantages to a trading community; but, on the contrary, that it must have a tendency to vitiate the commercial system, in various respects, by encouraging gambling in trade, and impairing the general benefit by its monopolizing effects; and that it does, as now conducted in the United States, most certainly transfer a great proportion of the advantages and profits of business from our resident merchants to foreigners; who, by withdrawing their profits, as soon as they are realized, leave an impression, to be felt on every other branch of interest in the community; and that the public revenue suffers materially, both in its amount and security; your memorialists respectfully pray your honorable bodies to impose a duty

of ten per centum on sales by auction, excepting the effects of bankrupts, and deceased persons, goods sold for the benefit of underwriters, shipping, and real estate.

MEMORIAL

Of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, praying for a revision of the Tariff.—
January 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, respectfully sheweth:

That the staple commodities of this district of country are, provisions, breadstuffs, wool, and flax; that the respective values of these commodities, in market, do not furnish a fair compensation to the producers; and, that the cause of this depression of prices is the limited demand, both at home and abroad, which, when duly supplied, leaves a great surplus on our hands. Now, if the labor of a country be the source of its wealth; and if that labor has been employed in producing a surplus which is without value, then has the country sustained an injury, by an unwise direction of its labor.

The great body of your memorialists are farmers. From the beginning of the separate, independent existence of this nation, until within a few years past, the condition of Europe was such, that the products of the land of this country found a ready market, and lucrative prices. During the long and wasting wars in that part of the world, the nations there had so large a portion of their population transformed from producers into consumers, that, after consuming the products of their own soil, they still required additional supplies, so extensive as to consume, also, the surplus products of American agriculture. The population of our country, moreover, was at that time thin; land was cheap; the augmenting numbers of the people found ample room, and easily spread over the surface of the territory; the new soil was fertile; little skill was requisite; and health, and robust habits, were nearly all the capital that was needed. The nation was, at the same time, neutral; and our merchants had full employment as carriers. In such a state of things, the labor of this country was profitably employed in two principal ways; and, in those two ways, that labor was sufficient to produce a degree of general prosperity never exceeded.

But that state of things has passed away. The general settlement of the affairs of Europe, by the peace of 1815, reconverted the nations there from consumers into producers.

The vast amount of labor disengaged from the operations of war, and directed to the cultivation of the land, together with the cheapness of that labor, and the skill with which it was directed,

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produced such an abundance of supply as to drive our productions out of their markets, and, in some instances, to follow them to our own shores. There is, therefore, at this time, and there has been for several years, an over-supply of the products of agriculture—they have glutted the markets of the world. This want of a foreign market has not been supplied at home; for our own producers have increased in a far greater ratio than our consumers; and the consequences have been, in this part of the country, a universal depression of prices, depreciation of the value of land, a sluggish circulation, general embarrassment, frequent sheriff's sales, and ruin. These ill consequences, though experienced most extensively by our farmers, have not been confined to them. They have been felt by the mechanics, the laborers, the merchants, and the professional men. Farmers could not afford to hire laborers, to produce what could not be sold; and neither could afford to buy of the merchant commodities for which he could not pay. The spirit of enterprise was checked. No new houses and barns, and no new implements of tillage, were wanted. There were already more than enough of these; for, nothing could be done with them, except to produce, and to shelter, what had lost its value. New lands, to a great degree, ceased to be cleared; new contracts ceased to be made; and, from this general inaction, the mechanic lost his wages, and the professional man his fees. Such is, and has for some time been, the general situation of these Northern and Eastern States.

Now, the mode of removing these burdensome effects, to your memorialists appears perfectly plain. The condition of things among us calls for the introduction, and permanent establishment, of new departments of labor, in order to complete the organization of the social state, and open to the career of an ingenious people new objects of enterprise; new subjects for the beneficial exercise of their faculties, and employment of their means. In short, a *manufacturing population* is needed. A portion of the community, now engaged in producing, or to be so engaged as time advances, must be converted, exclusively into fabricators and consumers, or the country will be overwhelmed with an enormous mass of surplus, which it cannot throw off, and become palsied from a stagnant circulation. Human industry is naturally distributed, with the advancement of society, into certain great departments of labor; and such distribution cannot be long prevented, without essentially retarding that advancement. The ultimate, permanent order of nature is, the productions of the earth, "all-bearing mother," first; next, the modification of those productions, in such forms as may best adapt them to use and enjoyment; and, last, mutual exchanges of all. Connected with these great departments of industry, and dependent upon them, are the mechanical and professional occupations. In this country, owing to circumstances in the situation of the world already suggested, we have hitherto disregarded this order; and, for a time, we found benefit in merely producing and exchanging. But the

time has at last come—and it is indicated by the general cry for help, now rising from the great majority of those who are engaged in both these departments of industry—for the establishment of the other, completion of the machinery of society.

Your memorialists are aware that the main difficulties in the way of doing this are the prejudices, the habits of thinking and acting, which originated in the period of our history already referred to. The opinions then adopted, and which were then proper, have been reluctant to yield to the evidence that those times have forever passed away. But that evidence has now so accumulated that the most slow of faith begin to believe that a new distribution of the labor of the country must be made, or the prosperity of the country must be seriously impaired.

These truths are so plain—they have been forced upon your memorialists by such impressive experience—that your memorialists cannot but believe that your honorable body will listen, examine, and be convinced. This request of your memorialists is not the sinister prayer of a few individuals, nor of a small and distinct class, having only a petty stake in society; it is the united voice of the mass of the people, in all the callings of life; and it is occasioned by a community of embarrassment never known among us till the nations of Europe quitted war for work, and left us without a market.

A market, therefore, is our great want. How is this to be obtained? In the opinion of your memorialists, it is to be obtained only by such an increase of duties on the importations of those foreign fabrics of which the raw material is, or can be, easily and abundantly procured at home, as will encourage a diversion of a part of our own capital and labor to the manufacture of them. The old doctrine is, we are aware, that no nation is ready to manufacture until its population has so multiplied that there are more hands than lands. But this is fallacious. The true test of the fact whether a nation be ready to manufacture; is not drawn from the comparison of the number of its people with the quantity of its land, but from the comparison of its ability to produce with its opportunity to sell: or, in other words, the true test is, the relation of demand and supply. It may, indeed, happen, that, while there are fewer hands than lands, the cultivation of the latter will be the most beneficial appropriation of a nation's labor; but it may, also, be otherwise; so that the first mentioned comparison does not furnish the true criterion, and the example of our own country has now demonstrated both parts of this proposition. At first, our ability to supply was not as great as our opportunity to sell; and all that we could produce found a profitable market. Now, we cannot dispose of half that we can supply, and a general agricultural languor pervades the country. But to restore the country from this universal inanition, by the introduction of manufactures, requires the interposition of the Legislative power of the nation. This interposition is necessary, because, without protecting

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duties, the manufacturers of Europe, with their enormous capital and exquisite skill, can manufacture so economically as to defeat our infant attempts by their competition. They can, and do throw such quantities of their fabrics into our markets, and force them upon us at such low prices, that our smaller capitalists, with their less skilful artisans, cannot establish their factories, and save themselves from ruin. This competition can never be sustained without protecting duties in the outset, nor until experience and skill shall have introduced economy, and the business of manufacturing shall have become so extensive that small profits shall make large amounts; because, no prudent man will hazard his property, under existing circumstances, in a contest with those who can wield means so much more extensive. Even if our domestic attempts should be made, in the beginning, with some prospect of success, yet they would soon be borne down by the foreign manufacturers; for, such is the state of society in the great manufacturing countries of Europe, every department of industry is so crowded, so much capital is invested in each, and the obstacles to a different investment are so insurmountable, that the manufacturer must continue to manufacture, at the most penurious prices, or go to ruin; for he cannot change his occupation, when every other department of labor is as much crowded as his own.

This state of things is necessarily growing worse, because the ability to manufacture is increasing in Europe in a far greater ratio than the demand for consumption, in consequence of the improvement and multiplication of machinery. It is, therefore, the interest of those manufacturers to sell at the lowest possible rates, and force their goods off, for the purpose of preventing competition, in every direction, though, at the same time, they cannot consume the title of the products which are supplied. The consequences of this state of things are, poverty among the agricultural nations, and wealth and power among the manufacturing ones. If our manufacturers could be protected from this overbearing competition until they should have acquired experience and skill sufficient for economy, they could then sustain the competition from abroad; and the competition at home would fast reduce prices to their present general standard, or lower. It is urged, we know, by those who oppose our views, that it is unjust to raise prices upon the majority of the community, by diminishing competition, through the medium of protecting duties, or in any other way, for the benefit of a small class. But this objection is deceptive and unsound. In the first place, though apparently true in terms, it is, nevertheless, substantially false. The great body of your memorialists, as has already been stated, are farmers, and, though the immediate benefit of the permanent and effectual protection of manufactures would be felt by those who are engaged in manufacturing, yet the ultimate, and by far the most important benefit would be experienced by society at large; and it is precisely for the sake of the latter that we ask protection for

the former. It is, moreover, a fact which cannot be questioned, that the low prices which at present form the great obstacle in the way of our domestic manufacturers are, in a great degree, caused by even the unskilful and hazardous attempts of those very manufacturers, with the present protection, to supply their countrymen; and we would seriously ask if they are not entitled to some consideration on that account? Take away this domestic attempt to manufacture; let foreign manufacturers know that there was no design in this country to engage in such business; and soon would the prices of imported goods rise to such a height as would be an ample remuneration to our manufacturers, if they could now receive them; because, the charges on foreign goods, for transportation, first of the raw material, then of the manufactured article, with a great variety of incidental charges, would be saved to our own manufacturers, and, consequently, to our consumers. But allow that prices would be raised; it would only be for a short time. Our artisans would soon acquire skill enough to reduce the expense of fabrication; and the adoption of those economical modes of conducting the business which experience would suggest, and to which domestic competition would urge our proprietors, would soon bring down prices; and the consumer would shortly be as cheaply supplied as he now is, with incalculable advantage of a permanent, steady, and increasing market open for his raw materials, his provisions, and his breadstuffs. Besides, if the prices paid to manufacturers were raised, so would be the prices paid to the farmers, and the mechanics, and all others; and high prices, both for buying and selling, are better than low prices, even if the same relative proportion obtains in the respective cases.

But, on this subject, we are not left merely to general reasoning, nor to the unsupported assertions of interested individuals. The experience of the country, in this respect, though not extensive, is perfectly decisive. In 1816, the minimum price, upon which duty should be charged, of a square yard of white cotton cloth, was fixed at twenty-five cents. The wholesome effects of this wise measure, which were, the investment of capital, the production of skill, and the excitement of competition in the manufacture, are too well known to need elucidation. Every man's experience has informed him that the coarse cottons now manufactured in this country, are both superior in quality, and inferior in price, to any similar article ever imported. The benefit of this result has been most extensively experienced by the grower of the raw material: for, while he has enlarged his market for his cotton, he has been able to procure a better and cheaper article for consumption. The extent of this benefit to the Southern cotton planter may be illustrated by the fact that, whereas, in 1810, there were purchased and wrought, in our Northern factories, only about three million pounds of raw cotton, there are now purchased, and manufactured, not far from thirty million pounds, or about one quarter of all the cotton produced in the country.

Now, confiding in experience as the great trier of truth, and impelled by the general depression of the agricultural, and, by necessary consequence, of all the other interests of the North, we ask, first, for an increase of duty on the importation of woollen fabrics.

All this northern section of the Union, especially the State of New York, is peculiarly well adapted, by nature, to the raising of sheep. Wool is a raw material that can here be supplied in abundance, and with ease; but there are none to buy it. We wish the establishment of woollen factories, so that we can convert some of our arable into pasture, and diminish the surplus of our breadstuffs and provisions; sell that diminished surplus for more than the whole original quantity would bring; and, by gradually raising up a body of consumers, in the shape of a manufacturing population, sell to those consumers an article that will bring us profit; that will furnish our countrymen, as well as ourselves, with cheaper and better clothing than they can now procure, and set all classes of society prosperously at work again. To do this, we respectfully ask the duty on imported woollen fabrics to be raised fifty per centum; and that a minimum price, on which duty shall be charged, be fixed at from eighty to a hundred and twenty cents for the square yard of woollen cloth. Upon similar principles, and relying upon experience for our guide, we also ask an increase of duty on imported iron. There are beds of iron ore, distributed in various parts of these Northern and Middle States, sufficiently extensive to supply all nations, and the ore is surpassed, in richness and quality, by none in the world. These ore-beds are found, for the most part, in hilly and mountainous regions, of little or no value for agricultural purposes, but abounding with fuel, and with water. Nature is waiting for us, the wants of the community are urging us, to appropriate these copious sources of wealth and strength to the public welfare. But here, again, as in the case of wool, foreign competition prevents the extension of those establishments, which would convert our vast bodies of ore, now wholly without value, into riches. Next to wool in importance, in this connexion, and in this part of the country, is iron. Besides its essential use as the great weapon of national defence, it is the great instrument of peaceful industry; and it is passing into use in many new forms. The improved ploughs, for example, are almost wholly made of iron; and this use of the metal has enhanced its importance to agriculture in an incalculable ratio. Though the first effect of protection in this case, as in others, would probably be an augmentation of the nominal price, yet the next and speedy effect would be, beyond a doubt, the reduction of that price to, at least, its present minimum amount, by the operation of competition and skill at home. Indeed, such is the abundance of our ore, and the natural facilities of the country for smelting and manufacturing it, that it would be reasonable to expect that an article, of which the transportation forms so large a part of its cost to the consumer, would soon be afforded, if manu-

factured at home, lower than foreign iron, and, at the same time, bring a lucrative compensation to the manufacturer. Besides its direct importance to agriculture, and to the various mechanical and household uses to which iron is appropriated, the increased production of it among us would essentially benefit the community, through the medium of the woollen and cotton factories. The iron machinery of such establishments constitutes a large part of their expense, by diminishing the amount of which, the fabrics therein made could, plainly, be afforded at cheaper rates to the consumer. On imported bar-iron, therefore, we ask an increase of duty of ten dollars per ton; and such additional duty upon other heavy articles manufactured of iron, as shall furnish an equally effectual protection to the manufacturer of them at home.

The article of tallow, too, is one in which our farmers have an extensive interest. The average importation of tallow, for the three years ending with 1822, was upwards of 4,000,000 pounds. This was equal to the tallow produced by somewhat more than 80,000 head of cattle, averaging fifty pounds of tallow each. Thus, in pursuance of the policy, which, under pretence of avoiding monopolies, of not conferring peculiar privileges on one class, of protecting agriculture rather than manufactures, the farmers of the United States, with lands beyond their utmost ability to till profitably, have been purchasing pasture and corn abroad, for more than 80,000 head of cattle, and then buying the tallow which all those cattle could produce. Is it wise thus to pay to foreign graziers the money which should go to our own farmers? or should we thus encourage foreign industry, when our own is suffering?

Having experienced the good effects of protecting duties in the manufacture of coarse cotton fabrics, your memorialists believe the time has arrived for some additional duty on foreign cottons, so as to encourage the manufacture, at home, of the finer fabrics of this material; and, for this purpose, we would suggest that the minimum price, on which duty shall be charged, be fixed at 33 cents for the square yard of cotton cloth. In this connexion, we would also observe, that the printing of cotton goods is becoming an object of importance to the country. The South American market is about to be open to us, and the printed cottons are most valuable in that market. It would, therefore, be wise, in the opinion of your memorialists, to encourage that branch of the business.

Before concluding this application to your honorable body, we would also observe, that, in addition to our conviction of the sound policy of granting further protection to our domestic industry, in the modes above recommended, your memorialists cannot but think we have a strong claim upon the equal justice of your honorable body. The protecting duties hitherto laid by Government, as far as they have been connected with agriculture, have chiefly aided the agriculture of the Southern States. That such aid has been extended to our Southern brethren is gratifying to

Tariff Memorial.—Petersburg, Va.

us, as members of the same Confederacy; but, we think, at the same time, that it fairly authorizes the expectation that a similar paternal policy will be extended to the agriculture of the North.

BETHEL MATHER, *Chairman.*

GEO. M. TIBBITS, *Sec'y.*

MEMORIAL

Of sundry inhabitants of Petersburg, in Virginia, upon the subject of the proposed tariff.—February 20, 1824.

At a meeting of the citizens of Petersburg, held at the Courthouse, on Friday, the 13th February, 1824, called by the Mayor, to receive the report of the committee to whom had been referred, at a previous meeting, a letter from the Chamber of Commerce of New York, on the subject of the proposed tariff of duties at present under the consideration of Congress, John H. Brown, Mayor, in the chair, and Edward Pesud secretary—

Doctor Thomas Robinson, from said committee, presented the following memorial, which, after being read, was unanimously agreed to, and copies ordered to be transmitted to the Representatives from this district, as well as to each of the Senators and Representatives from Virginia in the Congress of the United States; and likewise to the Chamber of Commerce of the City of New York, and other principal cities of the Union:

Your memorialists, the merchants of Petersburg, Virginia, obtrude their sentiments on your honorable House a second time with reluctance, on the subject of the tariff duties; but the persevering selfishness of our manufacturing associations, demanding nothing less than the annihilation of the mercantile and agricultural interests of the nation, to promote their own schemes of rapid aggrandizement, leave us no other alternative than either to appeal to the wisdom of our representatives, or appear, by our silence, to acquiesce in a measure of the most ruinous tendency; for such we conceive the bill for the alteration of the tariff duties, now before your honorable body, to be. The ablest statesmen, both theoretical and practical, of the commercial nations of Europe, have acknowledged, nay demonstrated, that every interference of government to direct or regulate the employment of private capital or enterprise, has been attended with mischief. They deplore the evils in which those nations have been involved by pursuing a system of bounties, monopolies, and protecting duties, and are endeavoring to retrace their steps at the very moment our legislators are invited to involve themselves in the same labyrinth. But we do not object to the projected tariff merely on this general, though strong ground, the experience of other nations. We object, first, that the Congress of the United States did not, with the power of regulating, receive from our Constitution also the power of annihilating foreign commerce; such as is evidently the tendency, and such as, of course, we believe to be the intent of the bill in question. We believe that the power of regulating

foreign commerce was conceded for a different purpose, to wit, principally with a view to prevent the evils apprehended from a collision of interests among the independent sovereignties of which our Republic is composed, and also to supply a revenue for the support of the General Government, without the necessity of resorting to internal taxation. Retaliation, in certain cases, might have been thought of, but that any further restrictions, save such as might secure us the necessary munitions of war, were contemplated by the framers of our Constitution, we utterly disbelieve; and against the exercise of implied powers we solemnly protest. Nor can we see how the projected alterations of the tariff can be supported under the clause of the Constitution granting powers for regulating commerce, seeing that the bill is avowedly introduced for an object entirely distinct from the regulation of commerce, to wit, the establishment of manufacturing monopolies. We can scarcely doubt that the nations of Europe, who have hitherto been accustomed to receive our raw materials, will retaliate by encouraging the productions of other countries, to the exclusion of ours. The effect of such re-action would be fatal both to the mercantile and agricultural interests. That those nations will consent to send back our ships ballasted with dollars, few will be so visionary as to expect. Without reciprocity, commerce cannot exist, and therefore it is, that we consider the annihilation of foreign commerce as a necessary consequence of the projected alteration of the tariff. Secondly: The tariff, as it now stands, bears very unequally on different sections of our extensive country; and this inequality will be still more sensibly felt if the proposed alterations are adopted. It is always unjust and impolitic to tax the many for the emolument of the few; but it seems peculiarly dangerous, in a confederation like ours, to introduce the seeds of jealousy and discord among our independent States, by declaring one section tributary to another. This has already been partially effected, and will be completed by the passage of the bill in question. That the tax on every article is ultimately paid by the consumer, is universally understood, as well as that the great bulk of the consumers, particularly in this country, are agriculturists, on whom, of course, the principal weight falls; but, while the agricultural interest is thus generally taxed, the Southern agriculturists are to be particularly burdened by the enormous weight thrown on those coarse fabrics which constitute the clothing of our negroes. In return for this we are promised a Northern market for our produce. Will any one believe that the Northern manufacturers, who at present do not consume more than from 60,000 to 80,000 bales of cotton annually, will take off our hands, at the European prices, 600,000 bales? Or will he believe that the appetite of a ploughman, on turning weaver, will be so much improved that the surplus grain we have hitherto been accustomed to export to Europe, will be consumed at home? Thirdly: We believe that our manufacturers are most extravagantly protected already. In England it is calculated that every manufacturer pays two days' labor

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in the week to his Government. This is at once a bounty of 33½ per cent. in favor of the American competitor. Add to this, freight, insurance, commissions, and the various other charges incident to transporting the commodities of one country to another, and you exhibit an aggregate sufficient to protect men who could be satisfied with moderate gains; but when we proceed to add to this the present heavy tariff duties, the protection is so enormous that we are surprised to find an individual so shameless as to ask for more.

The scheme of increasing national wealth by keeping our money at home is scarcely worthy of serious notice. Money is not wealth, but the mere representative of it. The farmer purchases every necessary with the produce of his land and labor. We would, therefore, respectfully suggest to your honorable body the policy of permitting him to send his produce to that market where he can obtain the highest price, and to purchase whatever necessities he may require, wherever he can obtain them on the cheapest terms. If the wealth of an individual is measured by the quantity of necessities and luxuries he can command, we have no doubt the wealth of every individual would be increased by this policy; and as national is but the aggregate of individual wealth, the national wealth would certainly be increased in the same ratio. We need not remark how congenial such a policy would be both to the letter and spirit of our Constitution, nor how adverse to both the project of compelling so large a portion of our citizens to abandon those pursuits for which education and experience have best qualified them, and annihilating by a single act a great part of the capital vested under the faith of former acts, and guaranteed by the letter of that Constitution now wrested to destroy it.

We find no powers, either expressed or implied, granted to Congress by our Constitution, to foster manufactures by ruining commerce and agriculture; and be it remembered that the project now before you is not a commercial regulation, but a manufacturing scheme. We find, however, that unequal taxation is expressly interdicted by the Constitution; and we unhesitatingly affirm that this interdict, so essential to the enjoyment of equal rights, and to the permanent duration of our Union, would be as directly violated by the projected alteration of the tariff, as by a law declaring, in plain language, that the States south of the Potomac should be annually taxed to the amount of six millions of dollars, to be distributed among the cities north of that river; and that the merchants universally should pay ten per centum on their capitals for the same purpose. With this view of the subject, your memorialists respectfully and earnestly pray that their Representatives will guard their interests and their liberties from the ruinous effects of the bill for the alteration of the tariff duties now before your honorable House—a measure pregnant with the most fearful consequences, being as incompatible with the principles of justice as it is with the spirit and letter of our Constitution.

JOHN H. BROWN, *Chairman.*

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia.—February 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth :

That your memorialists, on behalf of the commercial community which they represent, beg leave to interpose their respectful remonstrance against a bill now pending in the House of Representatives, entitled “a bill to amend the several acts for imposing duties on imports.”

The well known object of that bill—to stimulate the manufactures of the United States—and its tendency, in the judgment of a large portion of this people, to depress the agriculture and commerce of the country, form the inducements of your memorialists for asking the attention of Congress.

In a free country like the United States, all branches of lawful industry have a right to equal protection by the laws; there can be no inequality without favoritism, and no favoritism, without injustice. The Constitution of the Government having placed all the people on the same plane, its principles cease to operate, when the law elevates one portion, or depresses another; and whether the equality of the citizens be disturbed by distinctions of persons, or of property, is a matter of indifference.

That which might be a venial departure from those principles, in a small community, where the whole would sympathize with the prosperity of any considerable part, becomes otherwise in a confederation like this, whose members are large States, removed to a great distance from each other; destined, by nature, to different employments; incapable, under any legislation, of changing them; and subject, under a perverted legislation, to the extremity of distress in one State, while another is smiling in prosperity. In such a country, bounties to particular labor, are bounties to particular States, which other States pay, without partaking of the benefit. The design of the Constitution, and the obligation of Congress, being to provide for the common defence, and general welfare of the United States, and the duty of uniformity, in the laws of the Union, being emphatically and repeatedly enjoined in that compact, your memorialists have no doubt that Congress will never lose sight of it; and as little that they will perceive the destruction of all practical uniformity, even by a general law, if it be made partial, by the situation, the character, and the employment, of large portions of the country.

The universal opinion of well informed men, has now established it as a general rule, that the greatest degree of national wealth is to be obtained, by leaving every one to the unfettered use of his own labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity. Obvious, however, as this general truth now is, it has been long in coming to light; legislation has had its

dark ages, as well as letters; and certainly they have continued longer to envelop the principles of national wealth, than they did to obscure the laws of science, or the beauties of literature. It is to be hoped that the dawn, which has tardily broken upon the world, in the department of trade, is not to be immediately overcast; and, particularly, that the clouds which are again to darken it, are not to proceed from a quarter where every thing else, in regard to government, lies in the broadest light. If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them; so much more unerring, however, is this law of man's nature, than any political regulation, that it has been deemed the wisest course to abstain from public enactments altogether, and to leave the Hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled, or to narrow the passage to one, or enlarge it to another, more than the wisdom of the laborers shall each for himself provide.

Whatever interference with the general freedom of trade is necessary for the purposes of revenue, and still further, whatever provisions have justly for their object to sustain the Government itself, by enabling it to withstand the shock of war, and with this view to promote, within its own bosom, the necessary resources for such a trial, all communities of men must submit to, and will submit to cheerfully. Laws enacted for these purposes, are necessary exceptions to the general rule—not exceptions to its truth, for it is true without exception—but exceptions to its application; they are the price which nations pay for their existence, as such; they tend to diminish the production of wealth, but they do what, in every condition of the world, has been found as useful as to produce, namely, to secure the product. But, beyond this, the danger of legislative interference with trade, becomes extreme. Be the wisdom, and impartiality, and foresight, of the legislature, what they may, they are at no time, and under no circumstances, perfectly adequate to the task. The subject is beyond the scope of human intelligence, except when it is individually and personally applied to that limited space within which the individual moves; and, in this particular, trade differs little from the thousand other interests of the great family, which it is the ordinance of Heaven should be wrought out by the separate wisdom and exertions of its members; with scarce a consciousness how the work is produced, and with an utter inability on their parts to contrive the result beforehand.

The practice of no foreign nation leads, as your memorialists submit, to a different conclusion. England has grown rich, in spite of her restrictions upon trade, and not by means of them: her wisest statesmen are desirous of removing them, and can trace with unerring certainty to their operation, a large part of the oppression under which the fundamental interest of that nation

languishes, and is doomed to languish. But the fetters have entered into her flesh, and they cannot be removed without tearing away the flesh with them. Does the history of England, with the light of the present day, furnish an argument to the United States for embarking in the same career of bounties, prohibitions, and excises? England is the great example of their mischief. She is emphatically the example of all that individual skill, enterprise, and intelligence, can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness. Her wisdom has perhaps been developed too late for her own good; it may possibly be not too late for us.

It is, therefore, the sentiment of your memorialists, which they beg leave respectfully to press upon Congress, that, beyond the limits of a fair resort to trade for the purposes of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous; and, to a community as extensive and diversified as this, severely unequal.

In submitting to Congress their remarks upon the bill in question, your memorialists will not touch upon the controversy—upon which more has been written than has been understood—concerning the comparative value of the application of capital in different ways. The wealth of a nation is the combined result of its application in every way in which private interest is promoted by applying it. They are sincere well-wishers to the manufactures of this country. They will always be happy to see them prosper, under that due prosecution of them, to which individual skill and capital, in the present state of the law, are perfectly competent. If they are not desirous of seeing them suddenly enlarged by the aid of the new tariff, it is, in part, because the benefit to the manufacturers themselves is by no means so necessary a consequence as is supposed; but it is principally, no doubt, because your memorialists are of opinion that such a tariff is not wanted for the purposes of revenue, nor for the existing manufactures of the country, and, above all, because its influence will be pernicious to the commerce and to the agriculture of the nation, both of which are entitled to the equal protection of Congress.

It is not wanted for the purposes of revenue. This is almost the only undisputed point among the various topics which are connected with the bill. It is frankly conceded by its friends, that, if passed into a law, it must diminish the revenue derived from imposts, and that, from some other quarter, the Government must make up the loss. So far, therefore, its opponents go upon conceded ground; and almost the only ground on which legislation, in regard to trade, is safe, is thus given up. Your honorable bodies will then be pledged, by the enactment of this law, to resort to that mode of raising revenue to which this people have been uniformly opposed, and to which they

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may be more justly opposed hereafter than heretofore. If the extent of duty prescribed by the tariff be essential to protect the manufacturer, and an excise be laid upon the manufacture equal to the duty which is lost, it seems to follow, necessarily, that the consumer must hereafter pay both the duty and the excise, one of which will remain in the pocket of the manufacturer, and the other, after an infinity of deductions for collection, reach the public Treasury.

The tariff is not wanted for the existing manufactures of the country. Under laws which, from time to time, have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper. How little they partake of the evils under which the commerce and agriculture of the country now suffer, need not be remarked. It is at present the most flourishing branch of American industry. If there are exceptions, they are the consequence of the bounty heretofore given by law, which has tempted into the business persons who have not the capital, nor the skill, nor the economy, to pursue the business with profit. Something more than public bounty is necessary to the gainful prosecution of trade of any kind. Habits of close attention to business; skill in the application of all the known processes; genius in the invention of newer ones less costly, or more efficient; vigilance in detecting and providing for the wants and caprices of the consumer; and, above all, frugality in expenditure; these are indispensable to thrift in any trade; and how much they melt away under the sunshine of legislative favor, or, rather, how often this sunshine warms into temporary animation those to whom it cannot give vigor for the constant struggles of trade, let those say who have watched the operation of bounty laws in Europe. If the existing bounty be not sufficient to protect American manufactures, what amount will do it? They are already encouraged by a duty on cotton goods of 25 per cent., with a minimum estimate for the basis of the duty of 25 cents per square yard, which, on cotton goods, similar to those manufactured in this country, amounts from 35 to 70 per cent. on the cost; of 25 per cent. on cotton twist; of 20 per cent. on cutlery and hardware; of 30 per cent. on cut glass; 20 per cent. on plain glass; and upwards of 20 per cent. on window glass; of \$15 per ton on Russian and Swedish iron, in bars and bolts; of \$30 per ton on rolled bars and bolts; and of \$50 per ton on hoop, sheet, and rod iron; of 20 per cent. on spades and shovels; of 30 per cent. on paper-hangings; of 25 per cent. on woollen goods, and of 30 per cent. on manufactures of leather; besides all the advantage arising from the charges on the foreign articles, from inland carriage, shipping expenses, freight, insurance, and exchange; amounting, in the article of Swedish iron, to about 75 per cent. of its cost at the mines.

The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the for-

eign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston, is, and for some time past has been able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the necessity for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty. Are others deficient in their vigilance, their economy, their activity? Let these be acquired, and they will abundantly supply the place of a new tariff. Is capital wanting? How does this square with the allegation, that capital is lying dead to an immense amount, because it cannot be employed? What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer.

The influence of the tariff will be pernicious to the commerce of the country. This branch of industry has confessedly suffered more than any other by the events of recent years; it has borne its disasters patiently; they have been the inevitable consequence of events, which, although caused by man, man has neither, by action nor legislation, been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effects of the new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause: it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country, which is employed in the purchase, importation, and distribution of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage—the numerous artisans who are employed in their equipment—the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade. Your honorable bodies will not look for a detail of these effects, in a memorial; it has already been given the public in various forms, and shown to be of immense magnitude; no cure, no alleviation, is suggested for this; one arm of the nation will either be cut off, or maimed forever, under the vain expectation of promoting a better circulation in the other.

But, above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States. This interest is one with which your memorialists may be thought to have no intimate concern, since their personal relations are exclusively with commerce; but, the wealth, the harmony, the duration of this great Republic, are interesting to all its citizens: and they who wish, as your memorialists do, that it may be perpetual, must wish to see it administered upon principles of impartial justice to all, by which alone its perpetuity can be secured. What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction in value of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture? The evil to him is without compensation; the value of his crops he loses, precisely to the extent in which the manu-

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facturer gains; he has no means of warding off, or breaking the blow. His capital is unconvertible—it is fixed forever in the one employment of agriculture. He cannot participate in the golden harvest of manufactures, if it is to be a golden harvest. His habits, his situation, his working hands, are all unfit for the loom and the spindle. He has heretofore sold for as much as he could, and bought for as little as he could, and at such markets as he pleased, in the enjoyment of that liberty which was the great end of the Constitution. He is hereafter to buy in one market only, at such prices as a market without foreign competition will charge: and he may sell as he can, when foreign nations shall act upon the principle of taking no more from us, than we do from them.

Your memorialists have found themselves unable to assent to the reasoning by which these evils of the nonimportation system are obviated. They cannot conceive that it is for the interest of this community to give more for an American fabric, than for one that is made abroad; to pay a higher price for labor here, than they can purchase it for elsewhere. They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion. The reduction of low-priced cotton, since the last tariff, is well explained by other circumstances—the fall of the raw material, the diminution of the price of labor, improvements in machinery, stagnation of trade. And are not the manufacturers asking, by this very bill, for an increase of duty on the cottons, with which it is said they can compete with Great Britain in a foreign market! The history of our duty laws, since the adoption of the Constitution, shows that the aid of the tariff has been constantly asked by the manufacturers, and never given back. The duty on cotton goods, which, in 1790, was five per cent., in 1798 and 1800 became 12½; in 1804, by the Mediterranean duty, 15; in 1816 and 1818, after the war duties were at an end, 25 per cent. with a minimum valuation of 25 cents the square yard; and now, the proposition is to impose a duty of 25 per cent. with a minimum valuation of 35 cents the square yard. Certainly this has not the appearance of a temporary arrangement, to give American manufactures the opportunity for development. When have the manufacturers, here or in England, been contented, or able to part with a bounty which the law has once given them?

Your memorialists are also unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its employment is paid for by an additional charge upon the consumer? If it is unemployed, the capitalist bears the loss: if it is employed in manufactures, which are sold at an enhanced price, the consumer bears the loss. In the one case, the capitalist loses his interest; in the other, the consumer pays it, by paying just so much more than he would have paid if the capital had been unemployed, and he had purchased at a

foreign market. The country is in no respect a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country. Much of it, however, is of a kind that cannot be converted into manufactures, and that part which can, can only be converted by that slow and healthful absorption which is made from day to day, in a system that is left to the care of nature.

But, if manufactures are to attract to themselves the capital which now lies unemployed, your memorialists would ask what is to be the fate of that capital now employed in commerce, and which the tariff is to displace? It certainly is not within the contemplated effects of the tariff to increase the consumption of manufactures by increasing their price. The quantity will, at all events, be no greater than heretofore; and, if this shall be the case, what the new manufactures take up, the present commerce must give out, with this advantage, that much of what it gives out must be lost, because it cannot be converted into any thing else.

So plain are these consequences, in the apprehension of your memorialists, that they cannot but presume they are in the contemplation of those who espouse the new tariff, and that it is intended, by this portentous bill, to change the relations of the United States with the whole world; to compel her to manufacture all she consumes; to depend for nothing upon a foreign country, which it is physically possible for her to make, and to withdraw her sanction from those mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend. If this shall be the work of the nation, acting without the control or guidance of the law, it may then be inferred to be the best thing for the nation; but, under the control of the law, your memorialists confidently believe that this effect will never be produced.

They cannot believe that commerce and agriculture are to sink into insignificance, and that manufactures, like Aaron's rod, are to swallow them both up.

If this unsocial independence is to become the idol of the United States, it is worthy of consideration how far foreign Powers, and particularly Great Britain, may think it expedient to practice upon the same principle. If we take nothing from her, she may take nothing from us. She will certainly take nothing from us if she can obtain the same thing from her own colonies, or from a friend that will, at the same time, become a customer. If the cottons of the United States average half a million of bags annually, beyond the domestic consumption, bringing to the cultivator upwards of twenty millions of dollars, at low prices; if not more than fifty thousand bales are returned upon us in manufactured goods, from all the world; if our tobacco amounts to nearly one hundred thousand hogsheads, beyond domestic consumption, producing to the grower eight or nine millions of dollars; if the returns for these values, now made in foreign fabrics, are not to

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come hereafter in that shape, the United States must prepare not to see them come at all.—They must prepare to see the East Indies, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restriction upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands; to leave in our docks, to perish, the two hundred thousand tons of shipping employed in their carriage; to lose the six or seven millions of dollars of freight which they earn; to turn over to beggary the ten thousand seamen employed in their navigation; and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction. This day of downfall to the United States your memorialists do not anticipate; but it is because they do not anticipate the success of that policy which seems to lie at the foundation of the new tariff.

At the conclusion of these evils, your memorialists do not hesitate to mention the moral effect of the proposed tariff, as not being among the least of its disastrous tendencies to this community. It is unquestionably true, that so wisely, for the most part, have the Legislature of the Union proportioned the duties of the ability of fair trade, that in no nation upon earth is there less evasion of the law by smuggling. Yet, a coast and country better adapted for it are not to be found; and effectually to prevent it would require the supervision of a line of frontier amounting to more than three thousand miles. Man is, unhappily, such as circumstances make him; and there is a bounty under which crimes will flourish, as well as manufactures. Far less than the duties of the proposed tariff would, it is apprehended, give a munificent reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the Government lost, by smuggling, seventy per cent. of its imposts; and, notwithstanding the immense numbers employed to guard the revenue, a single neighboring nation carried on a contraband trade with that country to the enormous value of twenty millions of piastres annually.

In the late war between the United States and Great Britain, short as it was, and with but little time for the preparations which unlawful trade requires, even more than lawful, the introduction of contraband goods, from the Canada frontier, was open, notorious, and daring, notwithstanding it united almost the guilt of treason with that of smuggling. Your honorable bodies cannot but know how dangerous it is to enlist even a prejudice, if it be a general one, in favor of a violation of law; and how vain it is to legislate against the habits, the interests, and particularly the passions, of a large body of people.

Your memorialists cannot conclude, without submitting to Congress, that some of the provisions of the bill referred to, seem as if directly aimed at the existence of foreign commerce, by striking at its most important element—that of ship-building—as it raises the duty on foreign hemp from thirty dollars per ton, to two cents per

pound; and, consequently, the increased price of cordage will fall on the builder of ships, without a collateral advantage to any one. These charges, with the duties on duck, iron, chain cables, and ship-chandlery, are estimated to enhance the cost of building a ship of three hundred tons, from the sum of six hundred to one thousand dollars. The real effect of many of the provisions of the bill is, moreover, different from the apparent one; many calculations have been made to show this. Duties on woollen and cotton goods, which are nominally thirty and twenty-five per cent. extend from those duties to upwards of one hundred per cent.; and the cheaper the article is abroad, the heavier is the duty. The operation of the law must, consequently, fall with most severity on the poorer classes, who will pay a duty of from thirty to one hundred per cent., and more, on their coarse cottons and woollens, while the rich will pay the uniform duty of twenty-five and thirty per cent. on their finest cotton fabrics and broadcloths.

To the principle of the law your memorialists are, however, more opposed, than to its details. It seems to them to be a political theory, under the name of a duty bill; and that a theory, which both argument and experience have exploded—the theory, that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser, and more economical, to buy dear of our own people, than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing.

Your memorialists, therefore, respectfully pray that Congress will not pass the tariff bill into a law.

By order of the Chamber,
ROBT RALSTON, *Pres't.*

Attest:
JOHN VAUGHAN, *Sec'ry.*

PHILADELPHIA, *February 23, 1824.*

REMONSTRANCE

Of the Chamber of Commerce of New Haven, against the Tariff Bill.—February 27, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of New Haven, in the State of Connecticut, respectfully sheweth:

That, being impressed with a deliberate and decided conviction that the bill, now pending before Congress, proposing a great increase of duties on foreign imports, if passed into a law, will be productive of consequences extremely injurious to the best interests of the community, your memorialists cannot but view the manner in which this measure is pressed upon the attention of Congress with much surprise and regret.

Notwithstanding the great show of petitions from particular districts, and the excitement raised

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by the great efforts of some ardent individuals, we are fully persuaded that a large majority of the citizens of the United States is decidedly opposed to an increase of duties on foreign imports.

Your memorialists are sincere advocates for the encouragement, protection, and support, of our own domestic manufactures. At the same time, we believe that the body politic, in order to be sound and healthy, must possess all its members in full vigor; that agriculture and manufactures cannot say to commerce: "we have no need of thee in disposing of our products;" and that nothing can be more inconsistent than for commerce to claim an existence independent of agriculture and manufactures. We believe that the interest of neither of these can flourish, in this country, without the aid of the other two; that these three great sources of the wealth of nations must grow up together, and with the growth of the nation. The oak which constitutes a ship's keel, derived its existence from an acorn; and no substitute can be found for the *time* that necessarily elapsed between its first germination and the period of its maturity. So it is in relation to manufactures. A portion of time, equal to the lapse of several generations, is inseparable for their general, successful, and permanent establishment, in any country. No regulations of Government; no amount of capital employed can obviate the necessity of its being a work of progression. Any attempt to build up manufactures, suddenly, must fail; and, although the attempt may subject the whole community to much embarrassment and inconvenience, there is no class of citizens that will suffer so severely, by such failure, as the manufacturers themselves.

But, waiving the many, and, as we believe, unanswerable objections, to the principle of the bill, your memorialists beg leave, respectfully, to state, that, in their view, the high specific duties proposed to be laid on some articles, will operate unequally, and therefore unjustly. Among these may be mentioned the proposed specific duty, amounting to more than forty per cent., on bar iron, an article on which we consider the duty, already imposed, to be altogether too high, and one which we believe produces a positive injury to agriculture, commerce, and manufactures.

About thirty thousand tons of bar iron are annually imported into the United States. A large proportion of this iron is used and consumed in the Northern States, including New England and the State of New York. The agriculture of this section of the country demands a large and constant supply of iron. At least ten times as much iron is made use of in cultivating a given quantity of land in New England, as is used in the cultivation of the same quantity of land in the Southern Atlantic States. The implements of the Northern farmer are chiefly of domestic manufacture, but are, to a great extent, made of foreign iron, and must, of necessity, continue to be made of foreign iron, even if the proposed duty should be laid, the iron from Russia and Sweden being better adapted to this purpose than that which is made in this country. The Middle States manu-

facture iron for themselves, and some for the States to the South.

The tiring and ironing of carts, wagons, ploughs, and harrows, of the Northern farmer, his chains, hoes, shovels, spades, scythes, &c., are made mostly of foreign iron. He cannot move in Winter, and no considerable distance in Summer, unless his horses and oxen are shod with iron, and coked with steel. The quantity of foreign iron used in the single item of shoeing horses and oxen, in this section of the country, is not inconsiderable. Is it not, then, unequal and unjust, that the Northern farmer should pay such an enormous tax on iron, which is to him an article of first necessity.

Much of the foreign iron, imported into the United States, is used in the construction of machinery, and in the manufacture of nails. Bar iron is emphatically a raw material to almost every other manufacturer, except the maker of bar iron. Iron and steel are the chief materials used in all manufactures of hardware, and in fabricating the implements used in all mechanical employments. These metals are principally used, and are, incomparably, more expensive than all other materials which are made use of in erecting the machinery employed in manufacturing cotton and woollen goods. In short, almost all tools, and a great proportion of all machinery, are made of these metals. Encourage other manufactures, by affording to every part of the country the greatest facility in obtaining bar iron, and you will create a demand for bar iron; but discourage other manufactures, by making bar iron scarce and dear, and you will, in a great degree, destroy the demand for bar iron itself.

A very considerable portion of the foreign iron brought into this country is used in ship-building. If such duties are imposed on iron and hemp, as will cause these articles to cost nearly twice as much in this country as they cost in other countries, how is the American merchant to compete with the merchants of other countries, in building and navigating ships, the former discriminating duty on foreign tonnage being almost entirely abolished?

In answer to all this, the wealthy proprietors of the iron mines in the interior of Pennsylvania will reply, and say—indeed, they have already said—"Let the New England people come to us for iron to shoe their horses, build their ships, and carry on their manufactures. We own ore enough to make a sufficiency of iron to supply all America, and it is a shame that it should lie dormant. We want an income from it. We will sell them as much ore for fifteen or twenty dollars as will make a ton of iron, provided they will come and dig it out of the earth and refine it. Let the Eastern people come here and make their iron, or employ somebody to do it. We have a fine productive soil, also, and can supply them with provisions while they are thus employed. In this way, a market will be created at home for our surplus produce, and we shall then be rich and independent. Then money will not be sent out of the country to purchase foreign iron, and encourage foreign manufactures." This the proprietor of

the iron mines, in the interior of Pennsylvania calls "a plain practical view of things *as they should be.*" In reply to which, your memorialists respectfully ask permission to present a concise view of things *as they are.*

In the first place, money, to any considerable amount, is not sent out of the country to purchase iron. Ships employed in the Russian trade take from the United States to different ports in Europe fish, rice, and the cheaper kinds of ardent spirits—such as New England rum, whiskey, &c. and bring back cargoes of hemp and iron. Thus the labor of the fisherman results in the production of the substantial article of bar iron; and, in this way, a given quantum of labor produces to the country a much larger quantity of iron than could be produced by the same quantum of labor, applied directly to working the ores of our own country. Suppose the fisherman to be equally as skillful and expert in making bar iron as he is in taking fish; even in that case he could catch as many fish in one day as would pay a Russian or a Swede for as much iron as he could himself make in three days. Under these circumstances, can it be a wise regulation which shall compel the fisherman to relinquish his occupation, and go to making iron in Pennsylvania, in order that he may drink up the surplus whiskey which is made there, instead of exchanging whiskey and fish for iron and hemp; especially when it is considered that the exchange will produce to the country at least three times the quantity of iron that could be produced by the labor of the fisherman, aided by the strength of the whiskey?

The beneficent Creator has wisely placed mines of iron ore in the interior of Pennsylvania, which were undoubtedly designed for the supply of the inhabitants there; but it would be unreasonable and unjust to compel the inhabitants of other distant States to go there for a supply of iron, when at the same time they have a much cheaper and more convenient resource. The same kind Providence who gave iron ore to the interior of Pennsylvania, supplies the Eastern waters with fish; and commerce, though it may not possess the full power of the philosopher's stone, of turning every thing into gold, has the power of converting fish and whiskey into iron, which is a much more useful metal to mankind than gold itself.

One feature in the bill now before Congress, which we think particularly unhappy, is the tax of six cents a bushel on coal. About one million of bushels of coal are annually imported into the United States, and the present duty of five cents a bushel pays into the Treasury about fifty thousand dollars. A tax upon coal raises the price of fuel in all our seaports. As fuel is consumed in very many of the manufactories of our country, and in every family, it seems to be consistent with good policy, and with a sincere desire to promote the prosperity of our manufacturing establishments, that it should be as cheap as possible. The inhabitants living on the whole seacoast of the United States, and to a considerable distance in the interior; all those who live in the vicinity of

our navigable rivers; and many who are concerned in manufactories where fuel is consumed,—are interested in having coal free from duty. To the ship-owner it is a subject of much importance that coal should be free from duty. Our ships are sent to Great Britain with the products of our soil, which are much more bulky than the manufactures which we receive in exchange; of course, many vessels must return empty or in ballast. If they can take in cargoes of coal and obtain a small profit, that useful article will be brought, instead of ballasting the ships with sand or stone. Hence, was coal admitted free from duty, much larger quantities would be brought into the country, and the ship-owner would be enabled to make a small freight on his return cargo, when he could not obtain goods with which to load his vessel. But, notwithstanding these reasons, it is taxed. We cannot conceive that any one is benefited by taxing it, unless it be a few individuals—perhaps from ten to twenty—who own coal-pits near the tide-waters. We would ask, is it wise, is it just, that the whole population of our seacoast, and many of our ship-owners, should be laid under contribution for the benefit of a few persons?

It has generally been considered that the owners of our manufacturing establishments, in order to be prosperous, must be able to purchase the raw material, which they work up at a low price. One article mentioned in the new tariff, now before Congress, as a proper object of taxation, is wool; and on this it is proposed to lay a tax, after the 1st of June, 1827, of fifty per cent. Now, as our country does not furnish sufficient quantities of wool to supply our own consumption, we are at a loss to discern how a duty of fifty per cent. on that raw material is to increase the prosperity of our manufactories.

We have mentioned these particular articles in the proposed tariff, not because they are the only ones on which a tax is objectionable, or because the absurdity of laying a heavy duty is more apparent on these than on others, but merely because we thought it necessary to specify some few, in order to show that our objections to the proposed law were well founded.

It has often been said, and said with truth, that the merchants of this country have been very fair and honorable in their dealings with the Government: they have entered their goods honestly, and discountenanced smuggling. But, if the proposed tariff is adopted, such heavy duties will be laid on some articles, that there is great reason to fear that unprincipled men, for the sake of the great gain held out to them, will be induced to smuggle their goods as a common thing; and, in this case, in order to effect the execution of the laws, a little army of custom-house officers will be required on our extensive seaboard, to the great injury of the revenue of the country.

Your memorialists have full confidence that the commerce of the United States, if placed under a few simple regulations, will flourish and increase; and if commerce prospers, the agricultural and manufacturing interests will regularly advance and strengthen; but if new tariffs are proposed every

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year or two, and our commerce is hampered by heavy duties, they fear that, although our nation in its youth has been athletic and vigorous, it will soon be hurried to a premature old age. If the plan of altering and increasing the duties every year or two is continued, they fear the next step will be, to grant monopolies to individuals; a system fraught only with mischief, and under which a considerable portion of Europe has groaned for centuries.

With these views, your memorialists take the liberty to remonstrate against the new tariff, which has been proposed to your honorable body; and they pray that it may never be adopted as a law of the land.

By order of the Chamber of Commerce,
G. TOTTEN, *President*.
T. DWIGHT, *Secretary*.
NEW HAVEN, February 24, 1824.

MEMORIAL

Of George Jones, and others, praying that no addition may be made to the existing Tariff.—March 3, 1824.

SAVANNAH, February 9, 1824.

At a large and respectable meeting of the merchants, planters, and citizens, of the city of Savannah, held this day, at eleven o'clock, at the Exchange, convened in pursuance of public notice, to take into consideration the propriety of sending a remonstrance to the Congress of the United States, now in session, against the new tariff bill, William B. Bulloch, Esq., was called to the chair, and William Gaston appointed secretary. The following resolutions were unanimously adopted:

Resolved, That the Chairman appoint a committee of seven, to form a memorial to Congress, remonstrating against the passage of the law proposing a new tariff, and now before that body, and that the said committee have the memorial ready for the signature of the citizens of this community, on Thursday next, at eleven o'clock, A. M., and that their attendance be requested at that period, to subscribe the same accordingly. The following gentlemen were appointed that committee: Judge Jones, General Harden, B. Burroughs, Alexander Telfair, Doctor Daniell, Joseph Cumming, and Thomas Young.

Resolved, That a committee of three be appointed by the chairman, to correspond with the interior towns of Georgia, communicating to their citizens the proceedings in this place, and soliciting a co-operation in the proposed remonstrance to Congress. The following were appointed by the chairman, to be a committee: Judge Wayne, S. B. Parkman, G. B. Cumming.

Resolved, That this meeting be now adjourned to Thursday next, at 11 o'clock, A. M.; to be held in the Exchange long room.

W. B. BULLOCH, *Chairman*.
WM. GASTON, *Secretary*.

SAVANNAH, February 12, 1824.

A meeting of the merchants, planters, and others,

of the city of Savannah, and its vicinity, was held at the Exchange, this day, in conformity with the adjournment from Monday last, to receive the report of the committee appointed to prepare a memorial to Congress, remonstrating against the passage of the law proposing a new tariff. The committee attended accordingly, and reported a memorial to the meeting: Whereupon, it was

Resolved, That the memorial be accepted and approved of, and that the same be forwarded, at as early a day as possible, to our Senators and Representatives in Congress; the same to be signed by the committee, and countersigned by the chairman and secretary.

W. B. BULLOCH, *Chairman*.

WM. GASTON, *Secretary*.

To the honorable the Senate and the House of Representatives of the Congress of the United States:

The memorial of the undersigned citizens of Georgia, residents in the city of Savannah, and county of Chatham, is respectfully submitted to your honorable body; in which we beg leave to represent our objections to a "Bill to amend the several acts for imposing duties on Imports," as reported by the Committee of Manufactures, at the present session of Congress.

We believe an increase of the tariff, on the principles of the bill referred to, will be oppressive to the great agricultural interests of the Union; injurious to the commercial prosperity of the nation, in its operation on every class of society, throughout the whole Republic; and of doubtful eventual advantage to the small proportion intended to be benefited.

Your memorialists have ever felt that the policy of our Government was, to afford to the consumers of the country the means of supplying their wants in the cheapest mode, whether the articles required are the products of foreign or domestic labor. If the domestic manufacturer can come into equal competition with the foreign, he must trust to the national feeling in his favor to insure him a preference. But, if the workshops of Europe can furnish the consumer at a lower rate, shall he be compelled to purchase of the home manufacturer, because he has not the talent, the skill, or enterprise, to compete with the foreign? Who, therefore, seeks from the Government a bounty, at the expense of the great body of the people?

The cotton, rice, tobacco, flour, &c., produced by agricultural labor, contend with the growth of other countries; and to us there appears no good reason that our manufactures should be exempted from the ordinary laws of trade, by receiving the benefits of the exclusion of foreign articles, which gives them the advantages of monopoly.

The power of Congress to "lay and collect taxes, duties, imposts, and excises," does not, in the opinion of your memorialists, delegate the right to lay duties and imposts in such an oppressive form as to make a resort to taxes and excises the necessary consequence; nor is the power given to levy them in such a manner, as to operate as a bounty

Memorial of George Jones and others.

to an inconsiderable few, to the injury of all the other interests of the Republic.

Your memorialists believe that the systems of monopolies and excessive imposts, long maintained by usage, had their origin in the ignorance, the struggles, and jealousies, of remote times; and such a state of affairs has been produced, that change is considered difficult, or impossible; and adherence to them the safest course. But in this country, this system of legislation, intended to benefit the few, and impoverish the larger proportion, has been found contrary to the spirit of our institutions, and, therefore, to the interests of the great body of the people; and we have acted on another, which has operated to produce a general distribution of wealth; and our past prosperity, and rapid growth, furnish the most unequivocal proofs of its excellence. Your memorialists conjure you not to depart from it.

Your memorialists know that the profits of agriculture are small; yet, if the bill to increase the tariff prevail, that interest will be called on to pay, in the form of a bounty to the manufacturer, the duty which it now pays to the Government; withdraw this duty from the Treasury of the Union, and the inevitable consequences are, a failure to meet the annual expenses of the Government, and a resort to direct taxation. We contend that the loss vastly outweighs the present proposed advantage. In the present state of commerce and agriculture, their interests are inseparable, and a measure injurious to one, will materially affect the prosperity of the other. Cut off from foreign nations the privilege of exchanging commodities with us, and you lessen the demand for the raw materials of agriculture, and you injure the commerce depending on it, and abstract from both the ability to bear the public burdens. Our commerce has, hitherto, with untrammelled energy, visited every portion of the earth, established our name among distant nations, and supported and nourished our seamen, from whom we derive much of our wealth, and the larger part of our distinction as a nation. We apprehend the spirit of the system proposed for encouraging manufactures, will exchange our seamen for the sickly unmanly population of manufactories.

Your memorialists believe the increased and increasing duties proposed by the tariff will produce measures of retaliation on the part of foreign Governments, by the imposition of additional imposts, on American cottons, and they will look to other countries for their supplies, where exchanges of commodities can take place. This important staple of the South must be lessened, and the capital employed in it by agriculture and commerce directed to other objects, or large supplies remain on our hands, unconsumed by the manufacturers of this country; and further, the profits of manufactures, fostered as proposed by this bill, present the prospect of profitable investment to those capitalists who shall first embark in the business. The example of these will be followed by others, and allurements will be held out, and the way opened for that wild speculation which the enterprising character of the nation is too prone to

yield to. Thus, your memorialists believe, that, by the rapid investment of capital in manufactures, a home competition will be produced, more dangerous in its consequences to manufactories already established than foreign rivalryship, restrained by moderate duties.

The Southern States cannot participate the benefits or profits of manufacturing, being agricultural and commercial; and, for our own section of this State, and in behalf of the known interests of all the other districts, we, with the other nine millions not engaged in manufactures, demand an exemption from the excessive taxes, or imposts, for the benefit of less than four hundred thousand. They have voluntarily chosen to embark in this business, and they ought to have commenced under better calculations than those founded on wringing out contributions from the two other more important interests of the country.

Your memorialists cannot avoid again advert- ing to the large amount and value of the cotton produced in the Southern States, and the comparatively small consumption at home. About *six hundred thousand bales* were produced in the year 1822; and we compute the domestic consumption, in the year 1823, at not more than *sixty thousand bales*. What shall be done with the excess, if you should, by burdensome imposts on British manufactures, shut that market against us? We may be obliged with true Asiatic policy, to destroy one part that we may insure a market for the other.

Your memorialists perceive, by examination of the newly proposed amendments of the tariff, that, on many articles of the first necessity with us, the duties are to be increased. We particularly mention coarse woollens, osnaburgs, cotton bagging, and our chief implements of agriculture; and to these we would call your most especial attention.

Your memorialists had hoped that the gradual increase of duties heretofore made, would have been sufficient to satisfy the claims of manufacturers; but, as their demands increase with the protection afforded them, we pray that the proposed additions to the tariff be rejected by your body.

Your memorialists would sum up their remarks by expressing their belief that the proposed tariff will be oppressive, in its operation, to the great landed, agricultural, and commercial interests of the country; unjust, as calculated to force upon the people the burden of direct taxes, not warranted by a state of peace; doubtful in its ultimate advantages to that interest which is now asking encouragement; and certain only in being oppressive to the great body of the people. For these reasons we lay this memorial before you, and respectfully ask that no increase or modification of the existing tariff be made, except, only, with the single object of meeting the annual expenditures of the Government, and the gradual redemption of the public debt, the only legitimate causes of taxation in times of profound peace.

GEORGE JONES,

And Others.

WM. GASTON, *Secretary.*

Memorial of Merchants of Baltimore, &c.

MEMORIAL

Of sundry merchants, traders, and other citizens of Baltimore.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, merchants and traders, and citizens of Baltimore, respectfully represents:

That your memorialists have viewed with deep concern the progress of the bill now pending before your honorable bodies, which has for its object the establishment of a new tariff, or to amend the several acts imposing duties on imports.

The provisions of that bill, if carried into execution, your memorialists apprehend, will seriously affect their rights and interest, as well as the rights and interest of the largest portion of the community.

Under our free and happy Government every citizen is at liberty to employ his capital, labor, and resources, of every kind, in the way that he may deem most profitable, useful, or agreeable, to himself, provided it does not violate law or the rights and privileges of others. It is the great and important office of Government to give equal protection to all lawful occupations, and never to cherish or exalt one at the expense of others. A deviation from this principle cannot fail to work injury and injustice. The very heavy duties contemplated by the bill in question, on many articles of foreign production, amount to a prohibition of their importation, and in the same degree operate in a premium or bounty to the manufacturer of the like article in this country. By this operation the merchant is checked in the freedom of his pursuits, and the consumer is heavily taxed. One part of the community is likely to be exalted at the expense of all the rest, and of course the law would be partial and unjust. Our Government was instituted for the purpose of promoting the general welfare, and when it deviates from this course, it ceases to be useful. The citizen who has embarked his fortune in commerce, or navigation, or agriculture, is equally entitled to the protection and encouragement of Government with the manufacturer; nor ought the strong arm of Government to be ever extended for the purpose of elevating the one above the other. That this would be the result of the proposed new system, if carried into execution, may be demonstrated, and has been already shown by the memorials already presented to your honorable body, by the New York Chamber of Commerce, and others. It will interfere, too, with the exchange of commodities with other nations. If we do not buy their manufactures they will not be customers for the produce of our country. This abridgment of commercial rights is an immediate loss to the merchant, and will be an incalculable injury to the cultivators of cotton, rice, and tobacco, and commerce generally, provided a spirit of retaliation is exerted in other countries, and a system of countervailing duties is adopted by them, than which, no event in the womb of time is more probable.

A direct and certain effect of extravagant or excessive duties is to introduce smuggling. No evil is more to be shunned than this, in a country, and under a Government, constituted as ours is. If ever it is encouraged by a respectable portion of the community, however small, it will quickly grow into extensive practice, and will require more force than the Navy and Army of the United States to put it down. The immoral effect and the injury to the public revenue and to the fair traders, will be felt for ages. Our republican institutions rest, for support, on the virtue of the people, and wise legislators will deprecate every measure that has a tendency to corrupt them. The new tariff, your memorialists humbly conceive, is one of this character. If the object of the depending bill is not to exalt one occupation at the expense of all the others, your memorialists are at a loss to understand for what purpose it is introduced. It cannot be for revenue. The old order of things has filled the Treasury to overflowing. This result has been produced without oppression, and all rejoice in it. Why change a certainty for a doubtful experiment, with odious and alarming features? Such conduct, your memorialists humbly conceive, is not compatible with wisdom or policy. It certainly is not compatible with the spirit of our free Constitution. The manufactures of the country are amply protected at present. They flourish wherever they are conducted with skill and prudence, and are very able to stand alone. Your memorialists regret that they cannot say the same of our commerce and navigation. These languish, and are depressed to a degree that excites serious alarm, and are most worthy of the fostering care of Congress. They have been sources of wealth, and have yielded the means of support to Government.

Your memorialists might urge other and powerful arguments against the passage of the bill in question into a law. But the subject has been already so ably treated in the New York and other memorials, that more need not be stated at present. Your memorialists concur in the sentiments and opinions of these memorials, and believe, with their commercial brethren in other places, that the evils of the new system, if adopted, will preponderate over the good to be expected from it; that, in principle, it is unjust, and, in practice, will be oppressive to a great majority; that it will injure commerce, navigation, and agriculture. That it is calculated, in its operation, to benefit the few at the expense, and to the great injury, of the many; and that it will promote smuggling, impair the revenue, and destroy the fair trader.

Your memorialists, therefore, pray that the bill may not pass into a law. And they will pray, &c.

MEMORIAL

Of Sundry Farmers of the State of Pennsylvania.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, citizens of

the city and county of Philadelphia, respectfully sheweth:

That the existing tariff requires an early and thorough revision, so as to remove the strong objections to which it is liable in its present form.

I. It is manifestly unjust and impolitic; as, contrary to the first principles of policy and justice, it imposes oppressive duties on necessities of life, some of them used wholly by the poor, and admits on low duties conveniences and luxuries, some of them used wholly, and all of them chiefly, by the wealthy. The duties on molasses is about 42 per cent.; on brown sugar 100 to 120; on bohea tea 120; on souchong 150; and on salt 180. Whereas gold and silver plate, jewels, lace and lace veils, watches, &c., pay but $7\frac{1}{2}$; clocks, silks, satins, cambric linens, bombazets, gauzes, and Canton crapes, but 15—China, elegant cutlery, girandoles, and lusters, but 20—and plated ware, fine muslins, calicoes, kerseymere, broadcloth, cashmere, and merino shawls, Brussels and other carpets, but 25. To show the extreme violation of justice in this respect, it will be sufficient to state, that 100 dollars worth of salt, 180 dollars worth of brown sugar, 150 dollars worth of bohea tea, or 120 dollars worth of souchong, pay as much duty as 720 dollars worth of Brussels carpets, Cashmere or merino shawls, or broadcloth; 900 dollars worth of porcelain or girandoles; 1,200 dollars worth of silks, satins, gauzes, or Canton crapes; or 2,400 dollars worth of silver plate, jewels, lace, or lace veils. We feel confident that the most aristocratical or despotic Government in Europe cannot furnish a more shocking instance of partiality towards the rich and oppression of the poor.

II. The tariff is liable to objection on the score of partiality on another ground. It protects certain species of the productions of the national industry by exorbitant duties, and exposes to ruin, from foreign rivalry, those citizens employed on other productions, entitled, on every ground of justice, to equal protection. We have seen that the wealthy sugar planter is protected by a duty of one hundred per cent. The tobacco planter is protected by a duty on manufactured tobacco of 10 cents per lb., which, at the ordinary rates abroad, is also one hundred per cent. Both these articles are bulky, and subject to very heavy freight, averaging probably at least fifteen per cent.; whereas the poor stocking weaver has only a protection of 20 per cent.; the manufacturer of fine muslins and woollen goods only 25 per cent.; and the manufacturer of ironmongery, steel, copper, tin, brass, and lead, only 20 per cent. The freights on some of these latter articles are not above 2; on others 8, 9, or 10 per cent.

It is with strong feelings, which we will not express, but which may be readily conceived, that we have observed, whenever an attempt has been made to afford further protection, by an increase of the existing duties, for instance, on woollen and fine cotton manufactures from 25 to 33 per cent.; on manufactures of iron, steel, brass, copper, &c., from 20 to 25, that the tobacco and sugar planters, thus exorbitantly protected them-

selves, regardless of the equal rights of their fellow-citizens, have united in a solid phalanx, to vote down the proposition. On this extraordinary conduct, it would be wholly superfluous to offer the comments which will readily present themselves to your honorable houses.

The tariff is liable to strong objections on other grounds.

III. For the encouragement of national industry, the wise nations of Europe have almost universally admitted raw materials at low duties, or duty free. This principle is recognised in our tariff in many cases. But in others it imposes equal and sometimes higher duties on bulky raw materials, than on the articles fabricated of them.

Flax and wool pay a duty of 15 per cent. Hemp a duty equal to 33; cotton a duty equal to about $37\frac{1}{2}$. Whereas linens—all other articles made of flax—camlets, and calimancoes, pay but fifteen. Hempen cloth, (except Russia and German linens, Russia and Holland duck,) pay but 20 per cent.; fine cottons 25, and cotton stockings only 20. Thus, in some cases, the raw material pays 50 and 60 per cent. more duty than the manufactured article.

We would observe that the bounty on British linens at five pence per yard is 20 per cent.—at six pence per yard is 25 per cent.—and on higher priced, from 10 to 25; whereas our duty, as above, is only 15. Thus the bounty on low priced linens pays not only the duty but the freight.

We have never objected, nor do we now object, to the liberal protection afforded to commerce, which has been guarded by every precaution that legislative wisdom could devise. We have never murmured nor repined at the enormous expense it entails on us, for fleets, armies, and ambassadors. But we must deeply regret, that whatever distress prevails among the manufacturers—(as, for instance, in the disastrous years 1819, '20, and '21, when ruin spread among them far and wide,) whenever any attempt has been made to afford them relief, the merchants have united their paramount influence with as much zeal to defeat the measure, and prevent the relief of their fellow-citizens, as if their own vital interests were about to be destroyed—or as if the manufacturers were not equally entitled to the protection of the Government with themselves.

We will enumerate some of the great advantages enjoyed by the merchants, and wish them contrasted with the additional protection for manufacturers proposed by Mr. Baldwin's bill.

1. Foreign vessels are absolutely prohibited, under penalty of confiscation, from carrying on the coasting trade; thus securing it to our own merchants exclusively.

2. Goods imported in foreign vessels pay an addition of ten per cent. on the duties charged on those imported in American vessels.

3. American vessels pay but six cents per ton on entry; foreign vessels, not on the most favorable footing, 50 cents. A difference of 700 per cent.

4. The duty on souchong and other black teas in American vessels is 25 cents per pound; on

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imperial and gunpowder, 50; on hyson and young hyson, 40; and on hyson skin, and other green teas, 28: whereas, in foreign vessels, the duties are 34, 68, 56, and 38 cents; making a difference of duty in favor of the American merchant, of no less than 37 per cent.

These and other advantages early elevated the American tonnage to the second rank in the scale of nations—and would alone be sufficient to prove the necessity and immense advantage of protecting national industry from overwhelming foreign competition. Had the *let-us-alone* policy prevailed in regard to our shipping, we would never have attained the rank which we now hold.

Against the proposed measure a Constitutional objection has been raised. It is very confidently asserted, that Congress possesses no right to impose duties to protect manufactures, or for any other purpose than revenue. We respectfully conceive that this objection will not stand investigation. The high duty on manufactured tobacco, coeval with the Government itself, was intended for the protection of the tobacco planter. It has no reference whatever to revenue; as the whole amount collected from tobacco, since the Government was formed, would not pay the salary of a naval officer for a single year. The high duties on foreign spirits were imposed to aid the farmer, by protecting the distillation of American spirits, and thus securing him a market for his grain. The high duty on hemp was originally laid to enable the planters of South Carolina and Georgia, to cultivate that article, as at that time, [1789,] rice and indigo, their two leading staples, had sunk so low in price, as not to be worth cultivating.

Among the objections to the modification of the tariff, great emphasis is laid on its tendency to promote smuggling. The chief duties proposed by Mr. Baldwin's tariff, were those on woollens and fine cottons, 33 per cent. instead of 25; 25 per cent. on manufactures of iron, steel, brass, copper, tin, lead, &c., instead of 20; and, for sake of revenue, 25 per cent. on silks and linens. We respectfully conceive that it is sufficient to meet this objection, to state, that while we impose 120 and 150 per cent. on teas, 100 per cent. on pepper, 50 per cent. on pimento, 100 per cent. on spirits and sugar, 50, 60, 75, and 80 per cent. on wines, it is utterly inconsistent to allege the danger of smuggling, as a necessary result of imposing duties of 25 and 33 per cent.

We wish to meet one other objection to the protection of manufactures—the danger of extortion—after the example of the period of the war, in which prices were raised, as it is said, exorbitantly. It might be sufficient to repel this objection, to state, that the great rise of raw materials, wool for instance, from 75 cents to three and four dollars per lb., would have warranted a greater rise than actually took place. But we beg leave to observe that, in the year 1815, at the period of the enactment of the present tariff, when the clamor against extortion was first excited, and zealously urged, flour rose from eight to ten dollars; upland cotton from 13 to 20 cents—and

tobacco from ninety-six to one hundred and eighty-five dollars; and that on the declaration of war, most imported articles were raised at once 20, 30, 40, and 50 per cent. We trust that these plain facts, on which we forbear to dilate, will set this objection at rest forever, with all men who regard their character.

Hitherto we have considered the subject merely as regards the prosperity of our manufactures—and the equal claims of our manufacturers. We now wish to consider it on higher ground—in a grand national point of view.

We have been at peace for very nearly nine years. No great national calamity has visited us during that period. We have been blest with superabundance of all the fruits of the earth. Of one of the most valuable raw materials in the world, we produce, at least, three-fifths of the entire consumption of Europe and America. Our natural, moral, and political advantages, never were exceeded, perhaps never equalled, in the annals of the human race. Under a good system we could not possibly have failed to enjoy great prosperity—every order, condition, profession, and trade would thrive. Full employment would be had for every man, woman, and child, disposed to industry. The country would exhibit the appearance of a terrestrial paradise—and would really hold out “an asylum to the oppressed of all nations.” But to the members of your honorable houses, coming from the East and the West, the North and the South, we appeal for the truth of the following facts:—that, with the exception of certain situations and occupations, enjoying particular advantages, depression pervades the land—that so much of the industry required to supply our wants, is performed in foreign countries, that almost every rank and condition in life, every trade, profession, and occupation, is crowded—that most of our great staples, although reduced in quantity since the year 1801, (notwithstanding an increase in our population of 87 per cent.,) are so far beyond the demand of the foreign markets, as to reduce the price below what affords a reasonable remuneration to the cultivator; in one word, that with all the blessings that could be desired to secure national happiness, the situation of the country is very far, indeed, from prosperous.

That a change of our system is requisite, must therefore be obvious to the most superficial observer. That nothing further can be done for commerce, is equally clear. For agriculture, which, with few exceptions, has the exclusive supply of the nation, little is within the power of Congress. But the department of manufactures affords ample scope for healing the wounds of the nation.

No country ever fully availed itself of its advantages, which devoted an over proportion of its industry to agriculture. Let us examine the case of Italy, Spain, Portugal, Ireland, and Poland, rich in the utmost profusion of the gifts of nature—and with vast surpluses of all the necessities of life, yet exhibiting, amidst boundless abundance, the most afflicting scenes of wretchedness and misery, in all its grades and forms. The bounties

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of Heaven are lavished on them in vain. Their demands for the productions of the manufacturing nations are imperious and increasing—but the demands for their productions are fluctuating, and subject to the variations of seasons in the nations on which they depend. Of this the United States have had dear-bought experience during every period of their existence. It is probable that this fluctuation has caused losses to our citizens, within the last thirty years, to the amount of from one hundred to one hundred and fifty millions of dollars. On this all important subject, we present the luminous view of Alexander Hamilton:

“There are natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance. The differences of seasons in the countries which are the consumers, make immense differences in the produce of their own soils, in different years, and consequently in the degrees of their necessity for foreign supply. Plentiful harvests with them, especially if similar ones occur at the same time in the countries which are the furnishers, occasion, of course, a glut in the markets of the latter.”

The proportion of the population of Great Britain employed in agriculture is about 33 per cent.; in Ireland, about 75; in the United States, about 84. If the proportion were reduced to 70 or 75, and the consumers of the produce of the soil proportionably increased, we should export less of our produce, and, reasoning by analogy, and from experience, receive 20, 30, 40, or 50 per cent. more for the reduced quantity than now for the whole. Our statistics furnish innumerable examples in proof of this theory. We shall quote only two. The export of flour in 1819, was only 750,660 barrels, of which the average price was \$8, and the amount \$6,005,280. The export of 1820, was 1,177,036 barrels, which so far glutted the foreign market, as to reduce the price to \$4 50, and the whole amount to \$5,296,664. The export of cotton in 1819, was 87,997,045 lbs., which produced \$21,081,771. The export of 1820, was 127,860,152 lbs., and the great increase so far reduced the price that the proceeds were only \$22,308,667. The general tenor of our export trade goes to establish this theory beyond all controversy.

Our system has had a fair trial for thirty-four years of peace, with the exception of a short war of two years and a half. After enjoying all the immense advantages of a neutral commerce for above seventeen years, it found us, at the commencement of a perilous warfare, totally unprepared for the emergency, in regard to finances, and the means of providing a large proportion of the articles most essential to human comfort and convenience; among which must be enumerated the great articles of clothing. The woollen manufacture had been so wholly neglected, and we were so dependent on European supplies, that we were unable to furnish a few thousand dollars worth of blankets for the Indians. Our cotton manufacture was at so low an ebb, that our whole consumption of the raw material, in 1810, was only 3,000,000 lbs., though in that year we exported 93,000,000 lbs. Whereas, by a proper

protection, both of those branches might have been raised to full maturity so as to have supplied our utmost wants. Our system inflicted on the nation, throughout the whole war, the most dangerous feebleness in regard to our fiscal resources. To meet the demands of the country for clothing and other necessary articles, for which we had depended on Europe, manufactories were hastily established, with slender capitals, great inexperience, deficiency of machinery, and under almost every other disadvantage which could militate against great undertakings. The energy and intelligence of our citizens overcame them all. In a few months they attained a perfection, without Governmental aid, which other nations required many years and great aid from Government to attain. Millions of money were invested in those grand establishments—but peace unfortunately blasted and blighted the flattering prospects; ruined probably two-thirds of the manufacturers; and sacrificed the same proportion of the capital thus invested. A timely aid at that period, such as the nations of Europe afford their manufacturers, would have averted the desolation that ensued.

With one other view of our affairs, so far as regards the interests and safety of the nation, we shall conclude this memorial. Great Britain and France, exhausted by a protracted and destructive warfare, of above twenty years, in which the former expended \$7,000,000,000, and the latter \$4,400,000,000, are now, by protecting the industry of their subjects in all its forms, reviving from the consequences of this state of things. They are rapidly paying off their national debts—reducing the amount of their taxes—wonderfully extending their manufactures and commerce—and increasing in wealth and resources. Great Britain has within the last year established an effective sinking fund of \$22,500,000. Our situation exhibits a melancholy contrast. Our debt is diminishing slowly—our sinking fund is annihilated—our manufactures, coarse cottons excepted, make slender progress—our commerce is generally depressed—property is reducing in value—and circulation is excessively sluggish. In a word, so far as regards this portion of the Union, to use the language of the directors of the Philadelphia Bank: “The mercantile embarrassments of the country for some years past have been so severely felt by persons of all ranks in society, and the miseries of poverty have invaded the firesides of so many of our respectable fellow-citizens,” that to change a system, which has produced so many evils, is imperiously necessary. We, therefore, respectfully pray that the tariff may be so modified, as to afford that protection to manufactures which our Government affords to commerce.

PUBLIC SCHOOL LANDS.

Resolution and Memorial of the Legislature of the State of Ohio, upon the subject of the Lands set apart for the purpose of Public Schools.—March 10, 1824.
Resolved, That the following memorial be sub-

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mitted to the Congress of the United States, during the present session, or so soon as may be practicable.

The Memorial of the State of Ohio, in General Assembly, respectfully represents:

That, by the act of Congress of the United States, passed the 30th day of April, in the year 1802, the following among other propositions were offered to the Convention to be assembled for the formation of a State Government for the people of the eastern division of the territory Northwest of the Ohio, including the State of Ohio; that is to say: that the section number sixteen, in every township, and where such section had been sold, other lands equivalent thereto should be granted to the inhabitants of such township for the use of schools.

Secondly, That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt spring near the Muskingum river, and in the military tract, with the sections of land which include the same, should be granted to the said State for the use of the people thereof: *Provided*, The said Legislature should never sell nor lease the same for a longer period than ten years.

That the foregoing propositions, when acted upon and considered in convention of Ohio, and by an ordinance passed the 29th day of November, in the year 1802, the aforesaid propositions were accepted: *Provided*, that the following modifications should be made thereto, that is to say: that, in addition to the first propositions securing the section number sixteen, in every township, within certain tracts to the inhabitants thereof for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands in the United States' military tract, should be made for the support of schools within that tract; and also that the like provision should be made for the support of schools in the Virginia Reservation, so far as the unlocated lands in that tract would supply the proportion, after the warrants issued from said State should have been satisfied; and also that a donation of the same kind, or such provision as Congress should deem expedient, should be made to the inhabitants of the Connecticut Reserve; and that out of all the lands which might thereafter be purchased of the Indian tribes by the United States, and lying within the State of Ohio, that the one thirty-sixth part should be given as aforesaid for the support of public schools; and that all lands before mentioned to be appropriated for the use of schools should be vested in the Legislature of said State of Ohio, in trust for said purpose.

That a certain proportion of the lands lying within the State of Ohio had already been disposed of by the United States; and by patent dated on the 13th day of September, in the year 1794, certain lands therein described were granted unto John Cleves Symmes, reserving to the United States out of each township within the same, lot numbered sixteen, for the use of schools, being one

thirty-sixth part of the whole tract granted as aforesaid.

That a certain tract had also been granted unto Manassah Cutler, and others, under the name of the Ohio Company, in which, lot number sixteen, being one thirty-sixth part, was also reserved for the use of schools; in addition to which are the appropriations for the Ohio and Miami University, but to which last appropriations to the Ohio and Miami University your memorialists have only adverted as not being intended to be embraced in the prayer of the memorial herewith submitted.

That the ordinances of the convention of Ohio, of November, 1802, gave rise to the act of Congress of the United States of the 3d day of March, in the year 1803, by which it was enacted more specifically—

Firstly. That certain quarter townships in the tract commonly called the United States' military tract, and in said act particularly described, amounting to the one thirty-sixth part of the estimated whole amount of lands within that tract:

Secondly. That certain other quarter townships in the same United States' military tract, and in said act particularly described, for the use of the tract of country commonly called the Connecticut Reserve, were also by said act granted or reserved.

Thirdly. So much of that tract within this State commonly called the Virginia Military Reservation, as would amount to one thirty-sixth part of the whole tract, was also granted, to be selected by the Legislature of the State of Ohio, out of the unlocated lands in that tract, after the warrants issued from the State of Virginia should have been satisfied.

Fourthly. There was also granted and secured by the same act, one thirty-sixth part of all the lands of the United States lying in the State of Ohio, to which the Indian title had not been extinguished, which might thereafter be purchased of the Indian tribes by the United States, which thirty-sixth part should consist of the sections number sixteen, in each township. The specified and declared object of the aforesaid grants and reservations were for the use of common schools within the several districts of country therein specified, and were, as your memorialists conceive, granted upon full consideration arising from the increased value of the remaining lands belonging to the United States, and also from the relinquishment on the part of the State of Ohio, of the right to tax the lands of the United States within the State of Ohio, until five years after the sale thereof; and that it was by the aforesaid act expressly declared, that the several appropriations for schools, made therein, were in conformity with and in consideration of the conditions agreed on by the State of Ohio, by the ordinance of the convention of said State, bearing date of the 29th day of November, in the year 1802, and hereinbefore particularly referred to.

That your memorialists conceive that it was the intention of the parties to the compact aforesaid, that one-thirty-sixth part of all the lands within the State of Ohio, should be granted to the people

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thereof, for the use of common schools, and should be placed under the control of the Legislature thereof; and that this construction is warranted by the spirit, and even by the letter, of the different acts of the Congress of the United States, when considered in relation to the ordinance of the State of Ohio, above referred to, and to which a direct reference is had by the aforesaid last recited act of the Congress of the United States.

That, when it was afterwards ascertained, that the grant aforesaid, in relation to the tract of country, commonly called the Virginia Military Reservation, would be rendered wholly inoperative in consequence of the limitation and condition thereunto annexed, by reason of the great and uncertain amount of warrants which had been issued by the State of Virginia, together with the extended period for locating the same, the Congress of the United States, in pursuance of the stipulations of the compact aforesaid, by the act passed the 2d day of March, in the year 1807, appropriated eighteen quarter townships and three sections, as are in said act described, for the use of schools, in that tract of land, in the State of Ohio, commonly called Virginia Military Reservation, which were, by the said act, also vested in the Legislature, in trust for the use aforesaid.

That, at the period when the act aforesaid, making an appropriation for the tract, commonly called the Connecticut Reserve, was passed, the Indian title had been extinguished to that part only which lies east of the Cuyahoga river, and the appropriation was made only in relation to that part to which the Indian title had been extinguished, and consisted of a tract equal to one thirty-sixth part of the reserve to which the Indian title had been so extinguished, since which time, the Indian title to that part of the reserve lying west of the Cuyahoga river, has been extinguished by the United States, for, and on account of, the State of Connecticut, who made the necessary appropriations for that purpose.

That, as your memorialists conceive it was in conformity with the spirit and intention of the compact aforesaid, and formed a material item of the consideration which induced the State of Ohio to make the concession they did make under that compact, that they should receive, in return, lands equal to one thirty-sixth part of all the lands within the State of Ohio, to be appropriated for the use of common schools within said State.

The Legislature of the State of Ohio, construing the terms and spirit of the compact, in the manner above set forth, do not hesitate to represent to the United States, that, when the Indian title was extinguished to the tract of country lying in the Connecticut Reserve west of the Cuyahoga, the terms aforesaid required of the United States, that a law should be passed, appropriating, from their unlocated lands within the State of Ohio, a tract equal to one thirty-sixth part of the Connecticut Reserve lying west of the Cuyahoga river, and that they, relying on the justice and good faith of the Government of the United States, confidently anticipated the passage of such an act in aid of the exertions of the State of Ohio in

establishing a system of common free schools throughout the State.

That, in relation to the lands already appropriated, as above described, the Legislature of the State of Ohio, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and in particular that of leasing them to such individuals as have applied therefor; that experience, however, has fully demonstrated that this fund will be wholly unavailing, in their hands, in its present shape. That, in order that the beneficial and laudable objects contemplated by the grants aforesaid, may be secured to the people of the State of Ohio, it will, as your memorialists conceive, be necessary that the Legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them in fee.

The objections which are urged against the present mode of administering that fund, are, in the first place, that, by reason of the facilities which the State of Ohio affords of acquiring a property, in real estate, a necessity exists of leasing the lands in question to persons almost wholly destitute of pecuniary means, whereby the avails of those lands are rendered, at least, uncertain. In consequence, also, that, as these lands are detached over the whole State of Ohio, the expense which must necessarily be incurred, by creating a superintendence over them, render them much less productive than your memorialists conceive they might be rendered if the lands were sold, and the proceeds concentrated in one fund.

The fact, also, before adverted to, that these lands must necessarily be intrusted to the possession of those of the lowest class of the community, and who possess no permanent interest in the soil, has produced a waste upon these lands, of their timber, and otherwise, equal, perhaps, to the whole revenue which may have been derived from them. The fact, also, that, by holding them under the present tenure, your memorialists are compelled to offer, upon lease, so great a proportion of their soil, as will invite and retain a population within her boundaries, of a character not to be desired, and, in amount, so great as to create an evil which can only be conceived of, in a country where every individual, possessing a very moderate portion of industry and economy, may, within a single year, appropriate to himself, in fee, a quantity of land sufficient to furnish means of support for an ordinary family, is also a circumstance which your memorialists conceive is not undeserving of consideration.

While the State of Ohio, in common with her sister States, shall have her ordinary proportion of idle and unprofitable members, this great proportion of land which must be held by lease, must, of necessity, produce a corresponding feature in her population. Although many industrious and valuable citizens may be found among the lessees of school lands, yet it must be admitted that the great body of those who constitute the strength and basis of every Government, and who are to be considered as the friends of good order

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and public improvement, are among those who are the owners as well as occupiers of the soil. These evils, as your memorialists conceive, arise wholly from the system of granting those lands upon leases, and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State have not the power, under the term of the original grant, of disposing of those lands in fee. Notwithstanding your memorialists may be of opinion that they already possess this right, yet, so long as the question shall admit of any doubt, it must, of necessity, have the effect to restrain its exercise. It is true, that, if the forms of proceedings established by States as the rule of action for its members, shall or can be brought to operate upon the States themselves, this question might, perhaps, be rendered still more uncertain; but your memorialists conceive, that the grants aforesaid being made to the people of the State of Ohio, through the medium of the Legislature, for the use of the people, that no limitations can have any operation, further than as it shall furnish an argument against diverting this fund from its original and legitimate object. The Legislature of the State of Ohio being, in all respects, sovereign, within the Constitution, their capacity to do any and every act in relation to property which its citizens hold in common, is, as they conceive, necessarily implied; nor can they acknowledge that any rule, other than the Constitution, can operate, with any obligatory effect, upon the power which has created the rules itself, except upon considerations of justice and policy towards those who may be affected by their acts. It may, it is true, be said, that these grants partake of the nature of a compact between the United States and the State of Ohio, and that, therefore, they are to be limited to their particular terms in relation to the State of Ohio. It is admitted that the grant exists in consequence of a compact; but, inasmuch as the United States have received a full and valuable consideration, which formed the inducement of the grant, and inasmuch as they have not reserved to themselves any beneficial interest in the land aforesaid, or possibility of reversion, or any title whatever, it cannot be supposed that they can possess any controlling power. It may be urged, also, that, inasmuch as there has been no method pointed out in respect of the manner in which this trust should be executed, that the Legislature of the State of Ohio have an unlimited discretion in this respect, and may avail themselves of every possible method of producing the greatest advantage to those whom they represent. This argument, they conceive, is powerfully supported by the fact, that the same act grants to the State as well the school lands in question, as the six miles reservation, including the Scioto salt springs; in respect of which latter the Legislature are expressly restrained from selling the same, or leasing them, for a longer period than ten years; and that the inference, from this circumstance, is direct, that it was the intention of the parties to that compact that no such restraint should exist in relation to the other lands which did not come within this

provision. While your memorialists have been thus particular in endeavoring to give the proper definition of the powers they possess, in order that no conclusions may hereafter be drawn unfavorable to their claim from having made this application; and have thereby, perhaps, shown that, in a particular point of view, this application is wholly unnecessary, they are of opinion that an act of the Congress of the United States, declaratory of the extent of the grants aforesaid, will be productive of much benefit, in case the Legislature of the State should hereafter determine to dispose of the same. That it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same.

Therefore, your memorialists represent that it would be of advantage, and conduce to the future prosperity of the State of Ohio, that a law of the United States be passed, declaring the authority of the State of Ohio to dispose of the said lands granted for the use of schools within said State in fee, and that the proceeds thereof be invested in some permanent fund, the proceeds of which shall be applied, under the directions of the Legislature, for the use of common schools within the townships or districts to which they were originally granted in said State, and for no other use and purpose whatever: *Provided*, That the sections numbered sixteen, granted as aforesaid for the use of schools, shall not be sold without the consent of the inhabitants of such original surveyed township; and that they may be authorized and empowered to sell and dispose of the aforesaid six miles reservation, including the Scioto salt springs, the salt springs near Muskingum river, and in the military tract, with the sections of land which includes the same, and apply the proceeds thereof to such literary purposes as the Legislature of the State of Ohio may hereafter direct.

Resolved further, That the Governor be requested to forward the foregoing memorial to the Government of the United States, and take such order and disposition of the funds as shall seem to him proper.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

FEBRUARY 26, 1824.

PROTECTION OF AMERICAN INDUSTRY.

Memorial of the Pennsylvania Society for the Encouragement of American Manufactures.—Presented the 15th March, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Board of Managers of the Pennsylvania Society for the Encouragement of American Manufactures respectfully sheweth:

That they have read with attention a memorial presented to your honorable bodies by the Chamber of Commerce of this city, and feel themselves

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bound to point out sundry material errors in point of fact—sundry erroneous inferences—which it contains, tending, unless corrected, to injure, not only their constituents, but the nation at large. They regret that the length of the document in question, and the great variety of its errors, will constrain them to be more prolix than they would wish. For this, they hope the importance of the subject will be a sufficient apology.

"In a free country, like the United States, all branches of lawful industry have a right to equal protection by the laws. There can be no inequality without favoritism, and no favoritism without injustice."

These maxims come with an ill grace from a class of citizens who, from the commencement of the Government to the present hour, have enjoyed every species of protection which could be devised, and who have been unceasing in their applications for what is now styled "favoritism" and "injustice." The manufacturers of this country require but half the protection which has uniformly been extended to commerce. By such protection they would prosper, and shed prosperity on the nation at large.

"The universal opinion of well-informed men has now established it as a general rule, that the greatest degree of national wealth is to be obtained by leaving every one to the unfettered use of his labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity."

This specious, but erroneous theory, accords but ill with the practice of our Government and the requisitions of our merchants. Had they been left to "the unfettered use of their own labor, skill, and capital," their tonnage never would have emerged from its insignificance. In the year 1789, it was only 201,562 tons. By an enormous extra tonnage duty on foreign vessels engaged in the foreign trade—700 per cent. more than on American vessels—by subjecting foreign vessels engaged in the coasting trade to pay 50 cents per ton on every entry, whereas American vessels paid but six cents once a year—by duties on teas imported in foreign vessels, which averaged 27 cents per pound, while those on teas imported in American vessels averaged but 12, being an advance of 125 per cent. in favor of American tonnage—by these and other directions of "labor, skill, and capital," enacted by the first Congress in 1789, the American tonnage rose in a few years to the second grade in the scale of nations—being in 1792, 564,437 tons, and 898,328 in 1798.

But, we respectfully ask, is the American manufacturer left to the "unfettered use of his own labor, skill, and industry," when he is expelled from his own market by floods of rival articles, introduced, to his destruction, by the American merchant, or by foreign merchants or manufacturers? Let his "labor, skill, and industry," be what they may, he is constantly "fettered," and too often ruined, by foreign rivals.

Your memorialists respectfully state, that they cannot conceive why, "in a free country, where," according to the Chamber of Commerce, "all

branches of lawful industry have a right to equal protection by the laws," the manufacturers and owners of ships should be protected from foreign rivalry in the coasting trade, and the manufacturer of woollens and cottons look in vain to the Government for a similar protection, when his prospects in life, and those of his children, are blighting and blasting by that rivalry. If this be "equal protection," then we are unacquainted with our own language.

"If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them."

To be consistent with this doctrine, the Chamber of Commerce ought to have petitioned for a removal of all the "restrictions" in favor of commerce with which the statute books abound. Foreign vessels ought to be admitted to pursue the coasting trade—the discriminating duties on teas ought to be abrogated. In a word, all "impediments and restrictions," enacted at their instance, and for their benefit, ought to be removed.

"Beyond the limits of a fair resort to trade for the purpose of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous, and, to a community as extensive and diversified as this, severely unequal."

"It has been deemed the wisest course to abstain from public enactments altogether, and to leave the hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled."

"Revenue is almost the only ground on which legislation, in regard to trade, is safe."

"The tariff bill is a political theory; that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser and more economical to buy dear of our own people than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing."

These are repetitions of a trite idea, already advanced three or four times—and if correct, would be a pointed condemnation of the unceasing applications of the merchants for "legislation in regard to trade," and of the whole course of the National Legislature on that subject. We respectfully ask, when, in 1789, prohibitory duties were imposed on manufactured tobacco and snuff, six cents per pound on the former, and ten cents per pound on the latter—and in 1816, ten cents on the one, and twelve cents on the other, to exclude foreign tobacco and snuff, for the benefit of the tobacco planters, were these duties imposed with a view to "revenue?" When foreigners were by law excluded from the coasting trade, under penalty of confiscation, was that for

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"the purpose of revenue?" Neither the Chamber of Commerce nor the tobacco planters, can maintain this doctrine. The whole revenue from snuff and tobacco, since the Government was organized, would not pay the salary of a single deputy collector. How then can it be asserted, that Congress has a right to impose prohibitory duties for the benefit of tobacco planters and merchants—and the right be denied with regard to another class, at least as useful? Is it not wonderful that a respectable body of citizens should advance doctrines so utterly untenable—so contrary to the uniform practice of our Government—and so completely condemnatory of their own unceasing requisitions on Congress?

"What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction in value of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture?"

"One arm of the nation will either be cut off, or maimed forever, under the vain expectation of promoting a better circulation in the other."

"If we take nothing from Great Britain, she may take nothing from us, if she can obtain the same thing from her own colonies, or from a friend that will at the same time become a customer."

The high character of the respectable body from whom the memorial emanates, forbids the idea that they did not believe what is here asserted—but it required a high degree of excitement to entertain such apprehensions. That "an arm of the nation will be cut off;" that we are "to take nothing from Great Britain;" and that "a prohibition of foreign merchandise," are to be the results of imposing additional duties, which do not average ten per cent. except on one or two articles of worthless texture, is really so extravagant an idea, as to excite astonishment how it could ever have been entertained. The highest duty proposed by the new tariff, on all the leading articles, is lower than the lowest of the duties in Great Britain. Yet no one has pretended that the British have ever "cut off one of their arms" or legs. As well might we assert, that paring the excrescences of a man's nails, was cutting off his leg or his arm, as that the imposition of even double the duties contemplated by the new bill, would "cut off one arm of the nation."

"It is intended by this portentous bill to change the relations of the United States with the whole world—to compel her to manufacture all she consumes—to depend for nothing upon a foreign country which it is physically possible for her to make—and to withdraw her sanction from the mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend."

It is impossible to express the astonishment and regret we feel at the terrific picture thus drawn of the consequences of a bill, which, we beg leave to repeat, imposes additional duties of 5, 6, 8, and at most 10 per cent. except on a few articles, wholly

unimportant in themselves. To those who have not seen the bill, it might seem to be an absolute prohibition of foreign commerce altogether.

It is to be lamented, that the best measures ever devised have been frequently rendered unpopular and defeated, by ascribing to them consequences, to the last degree improbable. We appeal, on this point, to the sober sense of the respectable President of the Chamber of Commerce, and take the case of chintzes, silks, broadcloths, and Brussels carpets, in full disproof of the terrifying predictions thus hazarded. Will it be said, that a lady will forego the use of the fine chintz or silks for her gowns because, by the new duties, she will have to pay ten, fifteen, or twenty cents per yard more for them? Will a gentleman renounce the use of superfine imported broadcloth, because a coat, which requires two yards, at ten dollars per yard, will cost him a dollar and a half additional? Will he abandon the use of Brussels carpets, to ornament his rooms, because by the new duties they will cost 20 or 30 cents more per yard? We might thus go through all the details of this "portentous bill!" as it is ludicrously styled, against which all the angry passions of the nation are unjustly and causelessly excited, and expose the weakness of the objections—and the transcendent error of descanting on "changing the relations of the United States with the whole world!" and—"withdrawing our sanction from the mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend!" but we forbear, trusting that the Chamber of Commerce, as soon as the present excitement has subsided, will deeply regret lending itself to such a hideous and unjust portrait of a salutary bill, calculated not merely to rescue their fellow-citizens the manufacturers, from distress and suffering, but for the benefit of the whole nation.

"The tariff is not wanted for the existing manufactures of the country. Under laws which from time to time have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper."

Here is an unqualified assertion, decidedly contradicted by the fact. We will confine ourselves to the cotton and woollen manufactures, though we might enumerate twenty more, which are languishing, and require additional protection. The coarse cotton manufacture, being protected by a high duty, has attracted so large a portion of capital and industry, which could not find other employment, in consequence of the want of adequate protection for so many others, that it now languishes extremely in this part of the country. Many of the establishments are either wholly or partially suspended. There are at this hour in the city of Baltimore, immense stocks of cotton goods, and 400,000 lbs. of yarn, for which there is no demand; and many of the spinners and weavers are obliged to suspend their operations. Bankruptcy threatens the proprietors, for want of a market for their productions. The woollen manu-

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facture is in a still more drooping state. Many of the manufactories in this neighborhood are closed—the proprietors in depressed circumstances—and their work-people discharged. One-half of the woollen manufactories in Rhode Island are closed, and those that are still employed are continued in the hope of at length being adequately protected by the Government. The woollen manufactures of Massachusetts are likewise in a depressed state. And yet, in the face of these strong facts, the world is assured that the modification of “the tariff is not wanted for the existing manufactures!”

“The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the foreign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston is, and for some time past has been, able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the occasion for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty.”

“What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer.”

We sincerely rejoice that an appeal is made to the case of the Waltham factory. It is an overwhelming one, and, if experience were allowed to prevail, ought to settle the question of high duties forever, without appeal. Nothing could be more unfortunate for the views, or more subversive of the theory of the Chamber of Commerce. The duties on coarse cotton goods, which form the great mass of the manufactures of Waltham, were from 50 to 100 per cent., and were liable to the objection now strenuously urged against the minimum duty on coarse woollens. Those articles, used wholly or chiefly by the poor, were subject to the above high duties, averaging 75 per cent. (and the lower the price, the higher the percentage of duty,) while the most splendid chintzes, calicoes, mull mulls, &c., were subject to only 25 per cent. We appeal to this entire nation, whether experience, the only true test of theory, has not most unequivocally, in this case, put down all the gloomy anticipations which were hazarded on the subject of “taxing the many for the benefit of the few,” by high or prohibitory duties? Has not this duty conferred a solid benefit on “the many?—has not the result been to furnish the poor with a strong, lasting article, as a substitute for a wretched, unserviceable one, and at about half the former price? And such has been the advantage of the powerful protection thus afforded—so completely is the manufacture established—so high is the reputation, and so reasonable the price of this species of goods, that the first East India merchant in this city, and one of the first in the United States, has recently declared that, if the duty were now repealed, the East India article could not be imported to com-

pete with our own substantial manufactures. Such has been, and such ever will be, the effect of duties sufficiently high to protect manufactures in their nascent state.

On the subject of “the annual profits exceeding twice or three times the ordinary interest of money,” we only observe, if this were correct, it would prove nothing to the purpose—any more than the successful commerce of Mr. A—, of Boston, Mr. B—, of New York, or Mr. C—, of Philadelphia, gentlemen possessed of enormous capitals, and of course enabled to carry on business to immense advantage, would prove that commerce in general is prosperous. The proprietors of the Waltham factory possess an immense capital, and enjoy all the advantages which such a capital insures its possessors. But the assertion is not warranted by the fact. A large proportion, probably one-half, of the profits of that establishment, we are assured, is derived from the manufacture of machinery. And it is much to be regretted that such very erroneous impressions on this subject, have been allowed to prevail so long uncontradicted.

To the query “where is the occasion for further aid?” we reply, that if the Waltham, and other factories of that description, prosper under duties averaging about 75 per cent., it affords no proof that the manufacturer of woollen goods, who has only a protection of 25 per cent.—or the manufacturers of iron, steel, brass, copper, tin, or lead, who have only one of 20 per cent., do not “want further aid.” Dives, with his tables groaning under the choicest viands that plenty, with her cornucopia, could lavish on him, might as well ask why Lazarus “had occasion for further aid,” as any inference lie from the case of Waltham, to bar the poor manufacturer of woollen blankets of any further protection than 15 per cent.—the manufacturer of cotton stockings anything beyond 20—or the manufacturer of linen, whose rival comes into the market with a bounty from his Government as high, and in some cases higher than the duty here. The British bounty on the exportation of linens, at six pence per yard, is one penny half penny, or 25 per cent. Our duty is only 15!

“They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion.”

It is deeply to be regretted, that, in the discussion of subjects of such vital importance to the welfare and prosperity of the nation, facts are so very frequently overlooked, disregarded, or positively misstated. We are here informed, in the most unequivocal manner, that “there is no experience to justify the assertion,” that adequate protection of manufactures by high duties, “brings down the price forever below its former range.” It is wonderful that so respectable a body as the Philadelphia Chamber of Commerce should stand committed for such a declaration, in the face of the case of coarse cottons, on which we have already dilated sufficiently, and which might be

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regarded as deciding this question finally. Nails, of which immoderate quantities were formerly imported, at high rates, were, in 1817, burdened with a duty of four cents per pound, which was about fifty per cent. of the price in Great Britain. They are now manufactured here in superabundance, of superior quality, and sold at six cents per pound, which is cheaper, by thirty per cent. than formerly. This fairly disproves the assertion of the Chamber of Commerce. The observation may be extended to all kinds of chemicals—to manufactures of leather—to printing types—to books—and, in a word, to every article whatever, which, being fully protected, encourages the employment of adequate capital, and creates sufficient competition. On this all-important topic, we beg leave to quote the sound and irrefutable maxim of Alexander Hamilton:

"When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. * * * The internal competition which takes place, soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience."

"Above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States?"

This assertion is not founded. Agriculture languishes for want of a market for its surplus produce. Breadstuffs, the staple on which at least three or four million of our citizens (nearly half the agricultural portion of our population) depend for support, are absolutely prohibited in almost every part of Europe. With our export of tobacco, the growth in that quarter materially interferes. We export less in quantity and value, of tobacco, flour, rice, and the products of the forest, than we did in 1801, although our population has nearly doubled since that time. Our cotton has become so great a drug, that there were on hand in Great Britain, at the close of the last year, 199,745 bales, being not far short of half the import of that year from the United States, which was 448,164 bales—and sixty per cent. of the consumption of our cotton for the same period, which was only 334,415. There is scarcely a market in the world, in which our flour is received, where it is not very frequently a drug. And, as respects tobacco, Curwen & Hagerty, as intelligent merchants as any in Great Britain, under date of December 31, 1823, furnish the following melancholy statement for the planters of that article:

"Tobacco is very unsaleable, and lower than we have ever before known it. The exports from the United States have so overwhelmed every market in Europe, that there is absolutely no outlet for exportation from this country, and no prospect of the stock on hand being consumed in it. We have upwards of 31,000 hogsheds in Britain and Ireland, whilst the consumption does not exceed 14,000 hogsheds!

'The stock on the Continent is estimated at 44,000, making a total stock in Europe of 75,000 hogsheds, being 10,000 more than one year's consumption! Under such circumstances, immediate improvement in this article would appear impossible."

Under these calamitous circumstances of our three great staples, can it be "pernicious to the interests of agriculture," as the Chamber of Commerce asserts, to make a domestic market for that produce of the soil which the foreign world unkindly refuses in exchange for her manufactures, or which, if received by her, is shipped in such quantities as to glut all the foreign markets?

"We must prepare to see the East Indies, the Brazils, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restrictions upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands."

As this threat, so degrading to the dignity of an independent nation, has been frequently held out and employed to terrify the Southern States, it is proper to examine it at length. This commercial hostility, painted in such strong colors, is as much as could possibly take place, in the event of a sanguinary warfare—indeed, more than did occur during our late war. We imported from Great Britain in the year 1822, to the amount of \$34,806,287, and exported only \$24,498,347, leaving a balance against us of \$10,400,000, which absorbed the proceeds of our commerce with the rest of Europe, and a large portion of that with the rest of the world. We supplied her with the produce of the soil in its rudest state, whereon she supported about 1,500,000 of her subjects. We received manufactures from her, highly elaborated, and increased in value three, four, five, and ten fold, which might have afforded employment to one million of our citizens. Notwithstanding the immense disparity of advantage in this commerce—a commerce more advantageous than any one nation ever carried on with another—far more advantageous to Great Britain than her mines to Spain, she will not, unless when in danger of famine, allow a single barrel of our flour to be consumed by those millions of people who are employed to supply us with manufactures. And yet, while we patiently submit to the exclusion of one of our great staples, to the impoverishment and severe depression of the farming interest, we are threatened with her resentment if we dare attempt to increase our duties on her manufactures, with restrictions upon our cotton and our tobacco, if we exercise the right of an independent nation.

Will any American, possessed of the spirit of independence, submit to the idea that Great Britain may and does exclude the grand staple of nearly one-half the nation, and that the United States must not dare to increase the duties on the manufactures of Birmingham, Sheffield, Leeds, and Manchester, lest she should prohibit or restrict the use of our tobacco or our cotton? The free mind revolts at such a degrading idea. Of tobacco, she consumes, as we have shown, only 14,000 hhd.

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per annum, and our cotton she can no more dispense with, than she could dispense with receiving our grain and flour in the event of a famine. Without any such daring offence as imposing extra duties on her manufactures, to protect our own, and to reduce our expenses within our income, she received, in 1817, 1818, 1819, and 1820, from the East Indies, 613,935 bales of cotton, whereby the price of our staple was reduced fifty per cent., which spread distress and embarrassment among our planters, and bankruptcy among the shippers. And should the crops in that quarter, in the Brazils, or Egypt, prove superabundant, her merchants will import the surplus into her markets, in the way of trade, without intending us any evil, and regardless whether we lay on new duties, or take off the old. These are considerations by which merchants are not affected. And it is a disparagement and outrage to the character and wisdom of the Government of Great Britain, to suppose that it would descend to such a step, in order to disable the best customer of the nation from being able to pay for her merchandise. Let it be observed, however, that notwithstanding the immense benefits Great Britain enjoys from our trade, she favors the cotton of the negro empire of Hayti, in preference to ours! Cotton from the dominions of Boyer, is imported into Great Britain duty free—whereas that from the United States pays six per cent.

"If the cottons of the United States average half a million of bags annually, beyond the domestic consumption, bringing to the cultivator upwards of \$20,000,000, at low prices; if not more than fifty thousand bags are returned upon us in manufactured goods from all the world," &c.

This, we respectfully represent, is one of those wayward arguments, which recoil on the authors with tenfold force.

We shipped of cotton, in 1822, to	
Great Britain - - - -	450,686 bales.
Havre - - - - -	73,328
To other ports of France, supposed	25,000
Total - - - - -	<u>549,014 bales.</u>

The proceeds were, according to the Treasury returns, \$24,035,058. We imported in the same year about \$10,000,000, of goods, produced not from 50,000 bales, as stated, but about 35,000, according to estimates made by mercantile men of sound judgments. Thus it appears, according to the Chamber of Commerce, that less than one-tenth, but in reality one sixteenth part of our export of cotton, paid us for two-fifths of the whole. And this is the gainful trade, for the preservation of which such an ardent struggle is made! Can any thing prove more clearly the immense superiority of the European system over ours? Two-fifths of 549,014, or 219,000 bales, are paid for by 35,000, or at most by 50,000, leaving the balance to support the Governments, employ the capitals, enrich the capitalists, and feed the population of Europe, while many of our own are suffering intensely!

"If our tobacco amounts to nearly 100,000 hogsheads beyond domestic consumption, producing

'to the grower eight or nine millions of dollars—if the returns for their value, now made in foreign fabrics, are not to come hereafter in that shape, the United States must prepare not to see them come at all."

Where the means of information were so easily procured as in this case, this loose mode of argument ought to have been avoided. The export of tobacco is far from 100,000 hogsheads—and the amount far from eight or nine millions of dollars. The average of the four years 1819, to 1822, inclusively, (we have not the returns for last year,) was only 73,000 hogsheads, and value \$6,750,000. Great Britain and Ireland, in 1822, received from us only 28,000 hogsheads, amounting to \$2,690,000, of which a considerable part was for exportation. Their consumption, we once more repeat, is only about 14,000 hogsheads.

"How little they partake of the evils under which the commerce and agriculture of the country now suffer, need not be remarked. It is at present the most flourishing branch of American industry."

"This branch of industry [commerce] has confessedly suffered more than any other by the events of recent years. It has borne its disasters patiently. They have been the inevitable consequences of events, which, although caused by man, man has neither by action nor legislation been able to prevent, and scarcely to mitigate."

Nine years have elapsed since we closed our war, in a state of prosperity; every man, woman, and child in the country, able and willing to work, employed. We have advantages, natural, moral, and political, never exceeded, perhaps never equalled. Yet here is an open and precious confession, that two of the great branches of industry, agriculture and commerce, are in a suffering state. The third branch, manufactures, with some few exceptions, is also suffering, as we have already stated. We trust it cannot be denied that such a state of things must be produced by an unsound policy; for nothing but such a policy could have entailed on this country the variety of suffering and distress experienced since the close of the war—which are still severely felt—and to which nothing but a radical change of that policy, can apply a remedy. We respectfully represent, that there is a wonderful discrepancy in the statements of the opposers of any modification of the tariff. At one time it is asserted, with all the confidence that truth ought to inspire, that the country is, and has at all times been, prosperous and flourishing, and that it would be unwise to change such a happy state for the sake of experiments which might mar our prosperity! At another, as in the present case, the calamitous situation of affairs, which meets the eye in almost every quarter of the country, is, with equal confidence, alleged as a reason for adhering to a policy which paralyzes the industry of a nation as intelligent, as enterprising, and energetic, as any in the world—a nation which requires only a sound policy to rise to a level with the greatest nations of Europe, in point of "wealth power, and resources."

"England has grown rich in spite of her restric-

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'tions upon trade, and not by means of them. Her wisest statesmen are desirous of removing them, and can trace, with unerring certainty, to their operation, a large part of the oppression under which the fundamental interest of that nation languishes, and is doomed to languish."

This is an assertion contradicted by the whole tenor of history, and has been refuted times without number. It is scarcely possible to produce a greater error. Previously to the reigns of Edward III. and Edward IV., England was feeble and poor, and dependent for her clothing on her neighbors, who purchased her wool, and sold it back again to her in a manufactured state, at three, four, five, and six fold advance. Those wise princes laid the solid foundations of her prosperity and greatness, by "restrictions" and bounties. To those "restrictions" of the interference of foreign rivalry— to the rigorous, undeviating, and unceasing protection of her domestic industry—to her collecting from all the nations of the earth raw materials to employ her people, and selling back those materials manufactured, as she does our cotton, at an advance of three, five, ten, and twenty fold, she owes her prosperity. By those restrictions alone she has fostered her manufactures to their present flourishing state. We instance that of cotton goods, thus brought to such extent and perfection, that it affords employment to five hundred thousand families, averaging four persons each. Out of a raw material, of which she does not raise one pound, and which costs her but \$22,500,000 per annum, she produces \$180,000,000, and thereby lays the whole world under contribution. Whereas, the United States, which raises more than two-thirds of the whole consumption of Europe and America, and exports nearly five-sixths of her crops, receives only about twenty, twenty-two, twenty-three, or twenty-four millions of dollars, for that portion! She produces out of what she manufactures only about \$25,000,000. We respectfully submit to your honorable Houses, that the history of the world can scarcely produce a greater sacrifice of the means of national prosperity and happiness. It might as well be asserted, that the earth brought forth its fruits, in spite of the sun or rain, as that the magnificent manufactures of Great Britain, allowed by all the world to be the basis of her transcendent "wealth, power, and resources," the birth of which was coeval with, and which owe their maturity to, restrictions, "flourish in spite of those restrictions."

That "her wisest statesmen are desirous of removing those restrictions," is not, we believe, by any means correct. If they had any such desire, they might easily accomplish their purpose. They have advantages beyond what any other nation ever possessed, in point of capital, machinery, and skill; and yet they dare not open their ports to foreign manufactures. Their tariff has been revised so lately as 1819, and published in 1820; and the old complicated duties consolidated; but no repeal or relaxation has taken place to admit the consumption, in Great Britain, of foreign manufactures. All non-enumerated articles, and nine-

tenths of the enumerated manufactures, are subject to 50 per cent. duty; those of cotton and leather to 75, glass to 80, linen sails to 104, and chequered or printed linen to 172. Here is fact against assertion. It is true, some of their theorists, like our own, hold out the idea of a relaxation of duties and unrestrained intercourse; but, until they act upon the system, their sincerity on the subject may be well doubted. It would not be extraordinary, if those plausible theories were urged with a view to affect the policy of other nations.

"She is emphatically the example of all that individual skill, enterprise, and intelligence, can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness."

This is quite contrary to the facts of the case. Great Britain is "emphatically an example" of what a sound legislation "can achieve" by the protection of national industry; and what wild ambition and wasteful wars "can do to make it fruitless of national happiness." Her resources have exceeded, and now exceed, those of any other nation, ancient or modern—all the result of the consummate skill of her statesmen. Amassing wealth in every quarter of the globe by her manufactures, she was enabled, with ease, to raise \$4,630,000,000 by taxes, and to borrow \$2,070,000,000, during the wars of the French revolution. She is now paying off her national debt; has diminished her taxes to the amount of \$90,000,000 per annum; has had, notwithstanding this extraordinary reduction of taxes, a surplus of revenue beyond expenditure of \$22,500,000 in 1822, and the same in 1823; her manufactures, of every kind, as well as her imports and exports, are rapidly increasing; she abounds in wealth, so that her subjects are the general bankers of all the needy emperors, kings, and commonwealths, in the world; and has reduced the rate of interest to three per cent. What a heart-rending contrast the United States exhibited when in a belligerent state! What a heart-rending contrast she now exhibits! After a peace of thirty years, enjoying a most extensive commerce for nearly twenty, during a great portion of which time our merchants were the carriers for half the commercial world; the United States was unable to raise more than \$36,000,000 during a war of thirty months—had to eke out the residue of her expenses by exchequer bills, and loans procured with great difficulty—found herself in two years with a bankrupt Treasury, and in a state of extreme peril; and at present there is a general complaint of distress and embarrassment from every quarter of the Union, with few exceptions. Agriculture is suffering by the depression of some of her chief staples—commerce languishing—and manufactures, with few exceptions, drooping; parents not knowing what employments to provide for their children; a large portion of the capital of the country, although vastly reduced by our present system, lying idle; as, in the employment of it, there is no security against the overwhelming influence of foreign rivals. The Chamber of Commerce itself con-

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fesses, as we have shown, that agriculture and commerce are both in a state of depression; yet the citizens of the United States possess as much "individual skill, enterprise, and intelligence," as the British, or any other people of ancient or modern times. Where, then, lies the immense, the incalculable difference between the state of the two nations? The answer is plain. On the one side, the ægis of Governmental protection is interposed to prevent the industry and the prosperity of the British manufacturers from being crushed by foreign rivals, and to save the country from being drained for the purchase of what it can itself supply. When a man in that country invests any sum, large or small, in any branch of manufactures, he has rarely any other than domestic competition to dread. Our citizens, on the contrary, have to encounter the competition of all the manufacturing nations of Europe, and thousands and tens of thousands of them have fallen in the struggle, in which millions of national wealth have been sacrificed. This is the true secret of the unemployed capital, the existence of which the Chamber of Commerce admits. The merchants, who have at all times strenuously opposed the protection of manufactures, have partaken largely of the distress produced by the policy which they so uniformly and zealously support.

"Foreign nations shall act upon the principle 'of taking no more from us than we do from them.'"

Why should they? We do not act thus. We receive from Great Britain \$10,000,000 per annum more than she "takes from us."

"When have the manufacturers, here or in England been contented, or able to part with a bounty which the law has once given them?"

Just exactly at that point of time when the merchants part with their powerful protection.

"Far less than the duties of the proposed tariff would, it is apprehended, give a munificent reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the Government lost by smuggling 70 per cent. of its imports."

We regret to find such an alarm sounded on the danger of smuggling, in consequence of a small addition to the existing duties, and are astonished that such an argument, so void of foundation, and so often refuted, should be again brought forward. While the existing tariff abounds with exorbitant duties, two, three, and four-fold the highest proposed to be imposed by the new tariff, as, for instance, an average of above 110 per cent. on teas—200 per cent. on spirits—75 per cent. on wines—50 per cent. on pimento—100 per cent. on pepper—180 per cent. on salt, we respectfully inquire of your honorable Houses, and the nation at large, with what propriety or justice these appeals can be made to the public prejudices, and whether any danger of smuggling can be seriously apprehended from duties of 30 per cent. on woollens—35 per cent. on cottons—or 25 per cent. on manufactures of iron, brass, copper, steel, tin, lead, &c. These are the principal

articles proposed to be subjected to extra duties. We are sorry to say that the frequent presentation of the danger of smuggling may operate as an encouragement to persons destitute of principle, to enter on the practice, when they find such a respectable body of citizens holding out this as a necessary consequence of a small increase of duties.

Reference to the case of Spain, the worst administered and most imbecile Government in Europe, is not calculated to aid the cause of the Chamber of Commerce. The same duty was there imposed on the transit of goods from one province to another, as on their importation from foreign nations. When 14 per cent. duty was imposed for conveying merchandise over an imaginary boundary line—when, by the alcavala, a tax of 14 per cent. was levied upon raw materials, and on the manufactures, every time they changed owners, and this regulated by the selling prices, and therefore constantly increasing—when saltpetre, gunpowder, tobacco, sulphur, wax, and quicksilver, were all royal monopolies—it was not wonderful that there were hosts of smugglers to bid defiance to the public authorities. But can this wretched, this abominable system, be for a moment compared with ours?

"Except whatever provisions are necessary for enabling the Government to stand the shock of war, the danger of legislative interference with trade becomes extreme. Be the wisdom, and impartiality, and foresight, of the Legislature what they may, they are at no time, and under no circumstances, perfectly adequate to the task."

This is an assumption not warranted. We have superabundance of coal and iron lying untouched in the bosom of the earth—water power in abundance, running to waste—and thousands of our people only partially employed. Plans, perfectly practicable, whereby those dormant riches of nature might be called into use, and activity given to the industry of our population, might be devised by almost any individual, possessed of a moderate share of "wisdom, impartiality, and foresight."

"Your memorialists are unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its employment is paid for by an additional charge upon the consumer? The country is in no respect a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country."

There is no difficulty in comprehending the benefit of putting unemployed capital into circulation. It would give a spring to agriculture, by providing a market for its raw materials—afford profitable employment to thousands, who would otherwise be partially or wholly idle—and add to individual and national wealth.

"What is to be the fate of that capital now employed in commerce, and which the tariff is to displace?"

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Supposing such a displacement to occur, there is an easy answer to this query. Commerce is admitted, by the Chamber of Commerce, to be in a state of depression, principally owing to there being too many engaged in it, as there have always been at every stage of our progress as a nation. If it were in the power of the Legislature of the Union to establish new manufactures, to extend the old, or to create any new employment for a third, or even one-half of the merchants in the country, it would be a blessing to the whole. There would be enough remaining for all the profitable business we can carry on. In whatever proportion new employment is created, in that proportion will the merchants be benefited. The small abridgment which the tariff would cause in the foreign trade, would be amply compensated by an increase in the coasting and export trade.

"The operation of the law must consequently fall with more severity on the poorer classes."

This sympathy for the poor might be well spared. The coarse woollen fabrics which are proposed to be subjected to high duties, and which may be thereby excluded, are to the last degree worthless, like the East India coarse cottons; and their place would, as in the latter case, be supplied by strong and durable fabrics of domestic manufacture, and at lower rates. If we feel for the poor, they may be easily relieved, and substantial benefit be conferred on them, by lowering the duties on molasses, brown sugar, bohea tea, and salt, which are about 45, 100, 120, and 180 per cent., while watches, clocks, time-pieces, tartan plaids, bombazets, damask table cloths, silks, satins, Canton crapes, Chambray gauzes, &c., pay but 15; girandoles, lustres, and porcelain, only 20; and plated ware, broadcloths, Cashmere and Merino shawls, Brussels, and other carpets, kerseymere, chintzes, and calicoes, only 25. We respectfully submit that this extraordinary discrepancy of taxation calls loudly for reform.

"The aid of the tariff has been constantly asked by the manufacturers, and never given back."

We state in reply, that "the aid" of the Government "has been constantly asked," by commerce, and uniformly granted, "and never given back." For eight years have the manufacturers, in their utmost distress, respectfully "asked the aid of the Government," but hitherto in vain.

"To turn over to beggary the ten thousand seamen employed in their navigation, and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction."

The deprecation of these calamitous scenes ought to be postponed until such a result be proved or rendered probable; and it is a result which cannot, will not follow. It is the "day-dream" of a heated imagination. The American tonnage employed in the transportation of the articles intended to be subjected to additional duties, for the benefit of manufactures, is not much more than that employed in the trade to Hayti. And the whole of our tonnage employed in the commerce with England in 1822, was only 119-

202 tons, whereas in the trade to Cuba, we employed 118,405. There is no consideration of, or sympathy for, the thousands of manufacturers, whom our excessive importations have "consigned to beggary" since the war, nor of those who are daily consigned to the same calamitous state.

"They are sincere well wishers to the manufactures of this country. They will always be happy to see them prosper, under that due prosecution of them to which individual skill and capital, in the present state of the law, are perfectly competent."

It is painful to us to state, that we look in vain for the evidence of "well-wishing," in the ardent, systematic, undeviating, and unfortunately successful opposition constantly made, since the first organization of the Government, by the merchants of the United States, to every attempt to protect manufactures—even in the years 1819 and 1820, when at least 30,000 work-people were divested of employment, many of them reduced to pauperism, or to break stones on turnpike roads, at 25, 30, and 37½ cents per day, and when hundreds of the proprietors were involved in destruction, most of whom might have been rescued but for this opposition.

"The practice of no foreign nation leads, as your memorialists submit, to a different conclusion."

A slight view of history will prove that this assertion cannot be maintained. Frederick of Prussia regenerated his country, exhausted by long and sanguinary wars, and the destructive inroads of foreign armies, of which two were at once in possession of his capital, by a system of exclusion of foreign manufactures, and of bounties on those of his own country. France is regenerated after her long wars—her subjugation by, and subjection for three years to, hostile armies, and a military tribute of \$100,000,000. Russia tried the system of low duties and abolition of prohibitions for the years 1820 and 1821. Ruin spread over the face of the land. In a Government circular, signed by Count Nesselrode, the following melancholy picture of the state of the country is drawn: "Agriculture without a market—industry without protection—language and decline. Specie is exported, and the most solid commercial houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs. Events have proved that our agriculture and our commerce, as well as our manufacturing industry, are not only paralyzed, but brought to the brink of ruin." Early in 1822, taught wisdom by her intense distress, she enacted a new tariff, containing three hundred and forty prohibitions, which are daily reviving her prosperity. Holland, which adopted a low tariff in 1816, has ever since writhed under its operation. Her manufactures are blasted—circulation is sluggish—her revenue has failed—her real estate is sunk in value one-third—and one-ninth part of her population is reduced to a state of pauperism. In one word, we respectfully state,

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that there is scarcely an instance on record, of a nation arriving at perfection in manufactures without the protection of Government; and that those nations which are principally devoted to agriculture, are almost universally impoverished, witness Poland, Italy, Spain, Portugal, and Ireland, notwithstanding their transcendent advantages. Whereas, those where manufactures are flourishing, are generally wealthy, and abound in specie—witness France and England. So true is the maxim of Alexander Hamilton—

“The importation of manufactured supplies seems invariably to drain the merely agricultural people of their wealth. Let the situation of the manufacturing countries of Europe be compared, in this particular, with that of countries which only cultivate, and the disparity will be striking.”

“The effect is morally certain. So much so as almost to infer the intention in those who promote the cause—it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country.”

We regret, and are astonished at, the insinuation conveyed in these lines. It is not warranted; it is not generous. What! are we to be told that the manufacturers of the United States, depressed,

and many of them in danger of bankruptcy, by the overwhelming influx of foreign rival articles, and seeking of their Government that paternal protection afforded to this class by all the Governments of the old world, except Holland, and by all those of the new, have the barbarous “intention of paralyzing and deadening, by one blow, that portion of the commercial capital of the country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country?” We refrain from the expression of the acute feelings this very harsh insinuation is calculated to excite, and trust that its authors cannot fail, on reflection, to regret its use, and to wish it were possible to have it expunged.

The premises being duly considered, we respectfully request your honorable Houses will digest such a system as will secure to your manufacturing fellow-citizens a portion of the efficient protection which, from the dawn of the Government, has been paternally and wisely extended to commerce and tobacco planting.

Signed by order.

WM. TILGHMAN, *President.*

MATHEW CAREY.

Philadelphia, March 10, 1824.

within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost, within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and merchandise, as aforesaid, thereon laden, shall be continued and no longer.

Approved, January 7, 1824.

An Act supplementary to the act, entitled "An act for the relief of persons imprisoned for debt."

Be it enacted, &c., That the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, may be, in all cases, administered to the person entitled to take the same, either by any judge of the Supreme Court, or by the district judge for the district within which such person may be, or by any person or persons commissioned by any judge of the Supreme Court, or the said district judge, for that purpose.

Approved, January 7, 1824.

An Act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point on the right bank of the river Mississippi, opposite to the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; the said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of the said survey, shall cause the plats thereof to be deposited in the Office of the Treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted,* That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted,* That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day which they

shall be necessarily employed, in the exploring, surveying, and marking, said road: And, for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said road, there shall be, and hereby is, appropriated, the sum of fifteen thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 31, 1824.

An Act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824.

Be it enacted, &c., That the Commissioners of the Sinking Fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased, that is to say:

For all such stock as they may purchase before the first day of April next, at a rate not exceeding two dollars for every sum of one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock;

For all such stock which they may purchase between the first day of April and the first day of July next, at a rate not exceeding seventy-five cents on every sum of one hundred dollars, in addition to the interest which would have accrued on the day last mentioned;

For all such stock which they may purchase between the first day of July and the first day of October next, at a rate not exceeding, on every sum of one hundred dollars, the amount of interest which would have accrued on the day last mentioned; and

For all such stock which they may purchase between the first day of October next and the first day of January, one thousand eight hundred and twenty-five, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

SEC. 2. *And be it further enacted,* That the said Commissioners are hereby authorized to make such purchases, under the foregoing restrictions, at such times and places as they may deem most expedient, out of any moneys in the Treasury heretofore appropriated for the redemption of the public debt, or out of any money in the Treasury not otherwise appropriated.

Approved, January 22, 1824.

An Act making appropriation for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the sum of two hundred and sixty-five thousand one hundred and forty dollars, be, and the same is hereby, appropriated, for the compensation granted by law to the Senate and House of Representatives, and to the officers, clerks, and servants, of both Houses of Congress, and for defraying the contingent expenses thereof;

and that the same be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, January 19, 1824.

An Act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.

Be it enacted, &c., That, in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law: and the said pensions shall cease, from the causes mentioned in the laws providing the same, respectively.

SEC. 2. *And be it further enacted,* That, from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby repealed: *Provided, however,* That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed as aforesaid.

Approved, January 22, 1824.

An Act to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian."

Be it enacted, &c., That an act, passed the eighteenth of April, one thousand eight hundred and eighteen, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian," be, and the same is hereby declared to be, revived and continued in force, until the first day of January, eighteen hundred and twenty-six.

Approved, February 20, 1824.

An Act for the relief of the legal representatives of John Michael, deceased.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and required to deliver to Jesse Mercer, administrator *de bonis non*, with the will annexed, upon the estate of John Michael, late of Hancock county, in the State of Georgia, deceased, or to the legally constituted

attorney in fact of the said Jesse Mercer, administrator as aforesaid, a certificate, numbered one thousand and ninety-five, issued by the New England Mississippi Land Company, in the name of Robert Williams, jr., for twenty thousand acres of land, which said certificate is annexed to a relinquishment executed by the said John Michael, by his attorney in fact, Bowling Hall, bearing date on the twenty-fifth day of February, eighteen hundred and fifteen, and is now on file in the office of the said Secretary of State: *Provided,* That before delivering said certificate, the said Secretary of State shall make and retain a copy of said certificate in his office, and shall also take the receipts of said Jesse Mercer, or his attorney in fact, for the same.

Approved, February 20, 1824.

An Act to extend the time limited for the settlement of private land claims in the Territory of Florida.

Be it enacted, &c., That the time limited for the settlement of private land claims in the Territory of Florida, by an act of the seventeenth Congress, entitled "An act amending, and supplementary to, the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," be, and the same is hereby, extended and enlarged, until the first day of January next, when the commissioners for ascertaining claims and titles to the lands aforesaid, shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

SEC. 2. *And be it further enacted,* That the claimant or claimants shall not be required to produce, in evidence, a derangement of title from the original grantee or patentee, but the exhibition of the original title papers, agreeably to the fourth section of an act, passed the eighth of May, eighteen hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands within the Territory of Florida," with the deed or devise, to the claimant, and the office abstract or abstracts of the intermediate conveyances for the last ten years preceding the surrender of Florida to the United States, and, where they cannot be produced, their absence being satisfactorily accounted for, shall be sufficient evidence of the right of the claimant or claimants to the land so claimed as against the United States: *Provided,* That the claim be defined in quantity, and the amount does not exceed the quantity limited in the second section of the act which this is intended to extend: *And, provided,* The conditions required by the laws and ordinances of the Spanish Government, and the treaty between Spain and the United States, shall have been complied with.

SEC. 3. *And be it further enacted,* That no person shall be taken and deemed to be an actual settler, within the provisions of the "Act amending, and supplementary to, an act for ascertaining claims and titles to land in the Territory of Florida," passed on the third day of March, one thousand eight hundred and twenty-three, unless such person, or those under whom he claims title,

shall have been in the cultivation, or occupation, of the land, at and before the period of the cession.

SEC. 4. *And be it further enacted*, That so much of the act of which this is an amendment, as authorizes the Secretary of the said Commissioners to demand and receive from the claimants ten cents per hundred words for recording titles to land, be, and the same is hereby, repealed.

SEC. 5. *And be it further enacted*, That the former Secretaries, or those who may now be Secretaries, to the said Board of Commissioners, who shall have received their salary of one thousand two hundred and fifty dollars, from the Treasury of the United States, which is, by law, declared to be their full compensation, shall be, and they are hereby, required to pay over, respectively, to the Commissioners, conformable with the provisions of the original law, all such fees as have been demanded and received by them, which shall be appropriated to defray the expenses of the commission.

SEC. 6. *And be it further enacted*, That so much of the acts of which this is amendatory, as makes void all claims not filed before the first day of December, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed; and it shall be lawful for claims to be filed any time previous to the first day of September next; but all and every claim not filed by that time, shall be held and deemed void and of none effect.

SEC. 7. *And be it further enacted*, That each of the Commissioners heretofore appointed, or who may hereafter be appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive, from the first Monday in February, until the first day in January next, at the rate of two thousand dollars per annum, in full compensation for his services.

Approved, February 28, 1824.

An Act to authorize the laying out and opening certain public roads in the Territory of Florida.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola to St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cow Ford, on the Choctawhatchy river; thence, to the Ochesee Bluff, on the Appalachian river; thence, in the most direct practicable route, to the site of Fort St. Louis; thence, as nearly as practicable, on the old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to employ the troops of the United States, stationed in Florida, in such manner as he may think proper, in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted*, That, for defraying the expenses of opening the said road, the sum of twenty thousand dollars be, and the same

is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbor and Bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed and marked out, the route for a public road from Cape Florida to St. Augustine.

SEC. 5. *And be it further enacted*, That, for defraying the expenses of the surveys aforesaid, the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, February 28, 1824.

An Act to regulate the surveying of the public and private lands in the southern part of Alabama.

Be it enacted, &c., That all the lands in the State of Alabama shall be attached to the district of the Surveyor of the Public Lands in the State of Alabama, and the surveying of all public and private lands in the said State shall hereafter be made under his direction; and it shall be the duty of the principal Deputy Surveyor of the district east of the island of New Orleans, and east of Pearl river, to return the plats of all private claims within the State of Alabama to the office of the said Surveyor.

Approved, February 28, 1824.

An Act making appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated for the military service of the United States, for the year one thousand eight hundred and twenty four, to wit:

For pay of the Army, and subsistence of officers, nine hundred and ninety-four thousand four hundred and seven dollars and five cents, including the sum of one hundred and twenty-eight thousand one hundred and nineteen dollars, for the pay and subsistence of the officers and cadets belonging to the Military Academy at West Point;

For subsistence, in addition to an unexpended balance of twenty-one thousand six hundred dollars, two hundred and sixty-nine thousand three hundred and forty-seven dollars;

For forage for officers, thirty-six thousand one hundred and twenty-three dollars;

For the recruiting service, in addition to an unexpended balance of sixteen thousand dollars, thirteen thousand four hundred dollars;

For contingent expenses for the recruiting service, sixteen thousand eight hundred dollars;

For the Purchasing Department, in addition to the amount of clothing on hand, one hundred and forty-one thousand six hundred and twenty-seven dollars and fifty-nine cents;

For the purchase of woollens, during the year one thousand eight hundred and twenty-four, in advance for the year one thousand eight hundred and twenty-five, twenty thousand dollars;

For the Medical and Hospital Department, in addition to supplies on hand, and an unexpended balance, both amounting to twenty-two thousand seven hundred dollars, ten thousand dollars;

For the Quartermaster General's Department, in addition to an unexpended balance of thirty-five thousand dollars, two hundred and forty-nine thousand dollars;

For the purchase of Gridley's farm, ten thousand dollars: *Provided*, said farm shall not be purchased unless the said farm shall be procured for said ten thousand dollars;

For the contingencies of the Army, fifteen thousand dollars;

For the National Armories, three hundred and sixty thousand dollars;

For the current expenses of the Ordnance service, forty-two thousand dollars;

For pensions to the Revolutionary pensioners of the United States, one million two hundred and ninety-one thousand seven hundred and sixteen dollars and thirty-nine cents;

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirteen thousand one hundred and seventy-four dollars and forty-two cents;

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and fifteen, twenty-six thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but, in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the Agent of the Treasury Department the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced against such delinquent, and his securities.

Approved, March 10, 1824.

An Act to repeal, in part, an act, entitled "An act to lessen the compensation for Marshals, Clerks, and Attorneys, in the cases therein mentioned."

Be it enacted, &c., That so much of the act passed on the eighteenth day of April, Anno Domini one thousand eight hundred and fourteen, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein

mentioned," as prohibits the allowance of daily compensation to marshals, clerks, and attorneys, in the districts in said act mentioned, be, and the same hereby is, repealed; and that there hereafter be allowed to the marshals, clerks, and attorneys, for said districts, the same daily compensation as is allowed to the same officers in other districts.

Approved, March 8, 1824.

An Act for the better organization of the District Courts of the United States within the State of Alabama.

Be it enacted, &c., That the State of Alabama shall be, and the same is hereby, divided into two districts, in manner following, to wit: That part thereof composing the counties of Jackson, Decatur, Madison, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Blount, St. Clair, Jefferson, Walker, and Marion, shall compose one district, to be called the Northern District of Alabama; and the residue thereof shall compose another district, to be called the Southern District of Alabama.

SEC. 2. *And be it further enacted*, That there shall be two terms of the District Court for the Southern District, held at Mobile, in each year, to begin on the third Monday after the fourth Monday in March, and the fourth Monday after the fourth Monday in October; and one term at Cahawba, in each year, to begin on the third Monday in June; and one term of the District Court, for the Northern District, shall be held in Huntsville, in each year, to begin on the second Monday in July; and the District Judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid, and furthermore, to hold one or more special terms, at Cahawba, and at Huntsville, in each year, if, in his opinion, the business of the court shall require it to be done.

SEC. 3. *And be it further enacted*, That the third Monday in December, in each year, shall be a return day for writs and executions, returnable to the said District Court at Cahawba; and the second Monday in January, in each year, shall be a return day for writs and executions returnable to the said District Court at Huntsville; and the parties to such suits as shall be so returned, shall make up their pleadings under such rules as the court shall prescribe, in order to have the causes so returned in a state for trial at the next regular term.

SEC. 4. *And be it further enacted*, That all causes pending in the said District Courts at Mobile and Cahawba, shall be adjourned and continued from the times heretofore prescribed by law for holding said courts respectively, to the times appointed by this act; and all recognizances and process of every description, made returnable to the former terms of holding said courts, shall be returned to the terms herein established, and be as valid as if the time of holding the same had not been changed.

SEC. 5. *And be it further enacted*, That all causes at law, or in chancery, pending in the said District Courts at Mobile and Cahawba, in which the defendant or defendants resided, in the Northern Dis-

trict, at the time of serving the process, shall be transferred to the District Court for the said Northern District, established by this act, and be proceeded in, adjudged, and determined, in the same manner as if originally commenced in said court; and it shall be the duty of the clerks of the said District Courts at Mobile and Cahawba, to transmit, by some safe conveyance, to the clerk of the District Court for the Northern District, the original papers in all such causes, together with a transcript of all proceedings had therein.

SEC. 6. *And be it further enacted*, That all suits hereafter to be brought, in either of the courts aforesaid, not of a local nature, shall be brought only in the district where the defendant shall reside; but if there be more than one defendant, and some of them reside in the Northern and some in the Southern District, the plaintiff may sue in either, and send a duplicate writ to the other, on which he shall endorse that it is part of a suit brought in the district from which it is sent; and the said writs, when executed and returned, shall constitute one suit, and be proceeded in accordingly.

SEC. 7. *And be it further enacted*, That the Judge of said courts shall appoint a clerk of the District Court of the Northern District, who shall reside, and keep his office, and the records and documents appertaining thereto, at the place of holding said court: be entitled to the same fees allowed by law to the clerks of the Southern District, and be subject to the same liabilities and penalties.

SEC. 8. *And be it further enacted*, That the District Attorney heretofore appointed for the District of Alabama shall be the District Attorney for the Southern District of Alabama; and there shall be a District Attorney appointed for the Northern District of Alabama, who shall hold his appointment for the same term, be subject to the same duties, and receive the same salary, fees, and emoluments, allowed to the District Attorney for the Southern District of Alabama.

SEC. 9. *And be it further enacted*, That should the Judge fail to attend at the time and place of holding any of the courts herein mentioned, before the close of the third day of the term, the business thereof shall stand adjourned to the next term.

Approved, March 10, 1824.

An Act to define the boundary line between the Edwardsville and Springfield Land Districts, in the State of Illinois.

Be it enacted, &c., That all that tract of country lying between the Illinois and Mississippi rivers, and south of the base line of the military surveys, be, and the same is hereby, attached to, and made a part of, the land district, the office of which is located at Edwardsville; and all the tract of country lying between the said rivers, and north of the said baseline be, and the same is hereby, attached to, and made a part of, the land district, the office of which is established at Springfield, in the county of Sangamo.

Approved, March 16, 1824.

An Act to change the terms of the District Court of the United States for the Kentucky district.

Be it enacted, &c., That, from and after the passage of this act, the sessions of the District Court of the United States, in and for the Kentucky District, shall commence and be holden on the first Monday of May and November, in each year, instead of the terms now appointed by law.

SEC. 2. *And be it further enacted*, That all motions, process, pleas, and suits, returnable to the term of said court heretofore appointed to be holden in April next, shall stand adjourned and continued over to the May term next appointed by this act, and shall be as effectual in law as if the said April term had not been abolished.

Approved, March 24, 1824.

An Act to authorize the employing of certain Assistants in the General Land Office.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to employ in the General Land Office, for a term not exceeding twelve months, one assistant draughtsman and two colorers, for the purpose of completing the maps directed to be made by a resolution of the Senate of the United States, passed on the twenty-eighth day of February, one thousand eight hundred and twenty-three.

Approved, March 24, 1824.

An Act making appropriations for the support of Government for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated for the service of the year one thousand eight hundred and twenty-four; that is to say:

For compensation to Senators and members of the House of Representatives, their officers and attendants, including the sum of two hundred and sixty-five thousand one hundred and forty dollars, appropriated by an act making a partial appropriation for the year one thousand eight hundred and twenty-four, passed the nineteenth day of January last, four hundred and fifty-three thousand eight hundred and seventy-two dollars.

For expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, sixty thousand seven hundred dollars.

For expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said Department, including the messenger in the Patent Office, one thousand four hundred dollars.

For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, twenty-seven thousand three hundred and fifty dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of the twentieth April, one thousand eight hundred and eighteen, ten thousand dollars.

For compensation to an additional clerk, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand one hundred and fifty dollars.

For compensation to messengers in said office, one thousand and fifty dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the First Auditor, thirteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Auditor, fourteen thousand four hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Third Auditor, twenty-three thousand three hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fourth Auditor, per act of the twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For an additional clerk in said office, for the

year one thousand eight hundred and twenty-four, one thousand dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fifth Auditor, per act of twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For two clerks, to complete the duties of the Commissioner of the Revenue, transferred to the office of the Fifth Auditor, two thousand five hundred and fifty dollars.

For one clerk, on the business of the agent of the Treasury, transferred to the office of the Fifth Auditor, one thousand one hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of the Treasurer, per act of the twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since the first of January, one thousand eight hundred and nineteen, one thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of the said Commissioner, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to such persons as may be employed to bring up the business in said office, three thousand dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to clerks in the office of the Register, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars.

For compensation to the assistant messenger in said office, three hundred and fifty dollars, in full of allowances.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters; for expense of translating foreign languages, in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent

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expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts, for the year one thousand eight hundred and twenty-four, twenty-six thousand one hundred and fifty dollars.

For allowance to the superintendent and four watchmen, employed for the security of the State and Treasury buildings; for the repairs of engines, hose, and buckets, one thousand and nine hundred dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the office of the Secretary of War, twenty-two thousand and six hundred dollars.

For compensation to messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the clerks in the office of the Paymaster General, three thousand one hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For compensation to the clerks in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to clerks in the office of the Adjutant General, two thousand one hundred and fifty dollars.

For compensation to clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For compensation to clerks in the office of the Chief Engineer, two thousand one hundred and fifty dollars.

For compensation to the clerk in the office of the Surgeon General, one thousand one hundred and fifty dollars.

For contingent expenses of the War Department, seven thousand dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of the office of the Secretary of the Navy, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks in the office of the Commissioners of the Navy Board, per act of

the twentieth of April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For compensation to three clerks and a draughtsman, as allowed by the acts of appropriation, since the first of January, one thousand eight hundred and nineteen, four thousand dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For the contingent expenses of said office, one thousand eight hundred dollars.

For allowance to the superintendent and four watchmen, employed for the security of the War and Navy buildings; and for the incidental and contingent expenses, including oil, fuel, candles, and labor, two thousand one hundred and fifty dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to two clerks, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of the Surveyor General, two thousand one hundred dollars.

For compensation to the Surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the Surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington City, one thousand five hundred dollars.

For compensation to the officers and clerk of the Mint, nine thousand six hundred dollars.

For persons employed in the different operations of the Mint, nine thousand four hundred dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for the allowance of wastage in the gold and silver coinage of the Mint, seven thousand seven hundred and seventy-five dollars.

For compensation to the Governor, Judges, and

Public Acts of Congress.

Secretary, of the Michigan Territory, eight thousand seven hundred and thirty-six dollars and thirty cents.

For the contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Arkansas Territory, six thousand six hundred dollars.

For the contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, seven thousand dollars.

For compensation to six Commissioners, to settle land claims in said Territory, twelve thousand dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-eight thousand and four hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, ten thousand one hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, sixty thousand dollars.

For the payment of sundry pensions granted by the late and present Governments, two thousand one hundred and fifty dollars.

For the support and maintenance of light-houses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs and improvements, and contingent expenses, and including an unexpended balance of appropriation on the first of January, one thousand eight hundred and twenty-four, of seventeen thousand five hundred and eleven dollars and seventy-three cents; and, also, five thousand dollars in addition to the sum of three thousand five hundred dollars, heretofore appropriated for building a lighthouse near Fort Gratiot, in Michigan Territory, one hundred and nine thousand seven hundred and seventy-four dollars and thirty-three cents.

For payment of the salaries of the Registers and Receivers of the different Land Offices, thirty-nine thousand dollars.

For surveying the public lands, seventy-five thousand dollars.

For continuing the work on the centre building, eighty-six thousand dollars.

For alterations and repairs in the room occu-

pied by the Supreme Court, six hundred and forty dollars.

For improving the Capitol square, and painting the railing round the same, two thousand dollars.

For making a footway in front of the public grounds and open spaces between the Capitol and Navy Office, five thousand dollars.

For stationery and books for the offices of Commissioners of Loans, two thousand dollars.

For rent and repairs of the tenement formerly occupied as a temporary residence by the President of the United States, eight hundred and thirty-nine dollars, twenty-four cents.

For registers for ships and vessels of the United States, and for lists of crews, four thousand dollars.

For sick, disabled, and destitute seamen, in foreign countries, forty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the salaries of the Ministers of the United States to London, Paris, St. Petersburg, Madrid, and Lisbon, the Chargé des Affaires at Madrid from the third of March to the fourth of November, eighteen hundred and twenty-three, and, also, for the Chargé des Affaires at Stockholm and the Hague, fifty-seven thousand five hundred dollars.

For the salaries of the Ministers or Chargés des Affaires of the United States who have been, or may be, appointed to the governments on the continent of America, thirty-six thousand dollars.

For outfits to the Ministers at Paris and Madrid, eighteen thousand dollars.

For salaries of the several Secretaries of Legation, eighteen thousand dollars.

For the contingent expenses of those missions, twenty thousand dollars.

For the salaries of the Agents of Claims at London and Paris, four thousand dollars.

For payment of the salaries of the Commissioner and Arbitrator under the first article of the Treaty of Ghent, and for one-half of the salary of the Secretary and half the contingent expenses of the commission, two thousand five hundred dollars, in addition to the unexpended balance of the appropriation for one thousand eight hundred and twenty-three, for the same object.

For expenses of carrying into effect the sixth and seventh articles of the Treaty of Ghent, including the compensation of the Commissioners, Agents, and Surveyors, and their contingent expenses, sixteen thousand dollars.

For expenses of intercourse with the Barbary Powers, thirty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For compensation for extra clerks employed in the General Post Office during the last year, nine hundred and thirty-nine dollars and twenty-five cents.

For compensation of nine members of the Legislative Council of the Michigan Territory, at two dollars each per day, for sixty days, one thousand and eighty dollars.

For the contingent expenses of the Legislative Council, including the printing of the laws of said Territory, one thousand two hundred dollars.

For the salaries of the Secretaries of the Land Commissioners of East and West Florida, two thousand five hundred dollars.

For compensation and travelling expenses of the members of the Legislative Council of Florida Territory, and for contingent expenses of the Territory, including arrearages for the years one thousand eight hundred and twenty-two and one thousand eight hundred and twenty-three, six thousand six hundred and sixty-two dollars and sixty-four cents, being the unexpended balance of the last year.

For the completion of the medals voted by Congress to certain general officers; to purchase gold for the medals, and to replace General McComb's medal, two thousand three hundred and fifty dollars.

For a draughtsman and two colorers for the General Land Office, authorized by law, three thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into, the Treasury, all sums for which he may be liable: *Provided, also*, That nothing in this section contained, shall be construed to extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases, where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith, to the Agent of the Treasury Department, the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced, against such delinquent and his sureties.

Approved, April 2, 1824.

An Act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war.

Be it enacted, &c., That the pensions of all persons who now are in the receipt thereof, under the provisions of the following laws of the United States, or either of them, to wit: An act passed March fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or pri-

vate armed vessels of the United States," so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *Provided, however*, That the said pensions shall alone be paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency, (should such occur,) which may hereafter arise thereon: *And provided, further*, That no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

Approved, April 9, 1824.

An Act confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the official acts and proceedings of James Miller, as Governor of the Territory of Arkansas, from the third day of March, A. D. one thousand eight hundred and twenty-two, to the third day of January, A. D. one thousand eight hundred and twenty-three, be, and the same are hereby, declared to have the same validity, force, and effect, as if the said James Miller had been duly appointed and commissioned, for and during the said term, by the President of the United States, as Governor of the Territory of Arkansas; and he is hereby authorized to have and receive the same salary, pay, and emoluments, as he would by law have been entitled, during the same period, to receive, if he had been so appointed and commissioned as aforesaid.

Approved, April 9, 1824.

An Act to amend an act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia."

Be it enacted, &c., That, during the continuance of the act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia," passed the twenty-first April, one thousand eight hundred and eight, the Washington and Alexandria Turnpike Company shall be entitled to demand and receive, by their proper agents, servants, or officers, at the bridge built by said company, over Four Mile Creek, between the town of Alexandria and the City of Washington, the sum of one cent for each and every person passing on foot over said bridge: *Provided always, and it is further enacted*, That, whenever the net proceeds of tolls collected on said road and bridge shall be sufficient to defray the expense of rebuilding the bridge on Four Mile Run, keeping the said bridge and road in a sufficient state of repair, and allow the stockholders dividends, at the rate of six per centum

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per annum, then, and in that case, the circuit court of the District of Columbia for the county of Alexandria shall determine that the right of said Company to demand the tolls prescribed by this act, or any other tolls, from foot passengers, shall cease.

Approved, April 9, 1824.

An Act to change the terms of the Circuit and District Courts of the United States in the State of Ohio, and one of the terms of the Circuit Court in Kentucky.

Be it enacted, &c., That the circuit court of the United States within and for the district of Ohio, instead of the time now fixed by law, shall be held on the second Monday of July next; and thereafter on the first Mondays in January and June in each year; and the district court of the United States, in and for the said district, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the circuit court.

SEC. 2. *And be it further enacted,* That the next Fall term of the circuit court of the United States for the district of Kentucky be commenced and held on the second Monday in October next, in lieu of the first Monday in November; *Provided,* That this act shall not be construed to extend to, or embrace, any other or future term of the said circuit court, than the next November term aforesaid.

SEC. 3. *And be it further enacted,* That all recognizances, process, suits, and proceedings, of every kind, whether of a civil or criminal nature, commenced or pending in either of said courts, shall be returned to, proceeded in, and determined at, the terms herein provided for, in the same manner as if the time of holding said courts had not been changed.

Approved, April 22, 1824.

An Act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida.

Be it enacted, &c., That the consent and sanction of Congress be, and the same are hereby, given to the act of the Legislative Council of the Territory of Florida, approved by the Governor of said Territory, on the fourth day of July, Anno Domini one thousand eight hundred and twenty-three, entitled "An act to provide for levying a poll tax."

Approved, April 22, 1824.

An Act to alter the times of holding the District Court of the United States for the District of Illinois.

Be it enacted, &c., That, in lieu of the times now appointed by law, the district court of the United States for the district of Illinois shall be hereafter holden on the third Mondays in June and November, in each year.

SEC. 2. *And be it further enacted,* That all writs, pleas, suits, recognizances, indictments, and all other proceedings of a civil or criminal nature, now pending in, or which are, or may be return-

able to, said court, shall be heard, tried, and proceeded with, by the said court, in the same manner as if no alteration of the times for holding said court had taken place.

Approved, April 22, 1824.

An Act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt.'"

Be it enacted, &c., That the person or persons who shall or may be commissioned, either by any Judge of the Supreme Court of the United States, or by any District Judge of the United States, to administer the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, shall, and may have full power and authority to issue a citation, directed to the creditor, his agent or attorney, if either lives within one hundred miles of the place of imprisonment, requiring him to appear at the time and place therein mentioned, if he see fit, to show cause why the said oath or affirmation should not be administered.

SEC. 2. *And be it further enacted,* That if the creditor, his agent or attorney, lives within fifty miles of the place of imprisonment, only fifteen days previous notice by citation shall be required.

Approved, April 22, 1824.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and twenty-four, the following sums be, and the same are hereby, respectively, appropriated:

For the pay and subsistence of the officers, and pay of seamen, eight hundred and forty-seven thousand one hundred and forty-two dollars and twenty five cents.

For provisions, in addition to the sum of twenty-five thousand one hundred and twenty-eight dollars and seventy-five cents, the balance of appropriation for provisions unexpended and provisions on hand, three hundred thousand dollars.

For medicines, hospital stores, and all expenses on account of the sick, twenty-five thousand dollars.

For pay, subsistence, and allowances, of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations, also of naval constructors, store-keepers, inspectors, master workmen, clerks of the yards, of the check, and of commanders, and porters attached to the navy yards and store stations, two hundred and thirty-one thousand two hundred and ninety-three dollars and twenty-six cents.

For contingent expenses accruing in the present year, that is to say, for commissions, clerk hire, office rent, stationery, and fuel, to navy agents; premiums, and other expenses of recruiting, freight of provisions, stores, and materials, from one station to another, and from the United States to dis-

tant stations in other countries where our ships are employed; allowances to officers at the several navy yards and stations, for house rent, fuel, and candles; travelling expenses for officers, and transportation of seamen: freight of timber, wharfage, and dockage for vessels where there are no public yards; expenses, and a per diem allowance, for attending courts martial and courts of inquiry; compensation to judge advocates; cabinet furniture for vessels in commission; incidental labor at navy yards, which is not applicable to any other appropriation; pilotage of public vessels in the United States, and in foreign countries; printing naval registers, blank pay-rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts martial; storage of provisions and stores in foreign ports, and in the United States, where public stores are not provided; coals for blacksmiths and anchor-makers, and fuel for steam engines; purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools; chamber money to officers in lieu of quarters, other than house rent; purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery, of every description, used throughout the naval service; expense of pursuing deserters; expense of officers in sick quarters; storage of powder; lighterage and scow hire; postage of letters on public service; for per diem allowance to officers engaged in extra service beyond the limit of their stations; for the purchase and repairs of steam and fire engines and machinery; for expenses of burying deceased persons belonging to the Navy; for taxes on navy yards and public property; and for accidents to the public vessels, and for no other object or purpose whatever, one hundred and ninety-five thousand dollars.

For contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars.

For repairs of vessels, and for wear and tear, the sum of three hundred and fifty thousand dollars.

For the improvement in navy yards, docks, and wharves, slips, enclosures, and buildings, of every description, one hundred and fifty-seven thousand five hundred dollars, with authority to purchase, by and with the consent of the Commonwealth of Massachusetts, a slip of land, estimated to contain about nine thousand superficial feet, to straighten the back line of the navy yard at Charlestown, Massachusetts.

For ordnance and ordnance stores, including small arms, manufacture of powder, one thousand dollars, with the unexpended balances of former appropriations, estimated to amount to about nineteen thousand dollars.

For ships' houses, to repay the amount taken from the gradual increase, seventy-eight thousand five hundred dollars.

For pay and subsistence of the Marine Corps, one hundred and seventy-two thousand and ninety-four dollars.

For clothing for the same, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand dollars.

For military stores, including stocking arms, armorer's pay, armorer's tools, knapsacks, tents, camp equipage, accoutrements, and ordnance stores, five thousand dollars.

For medicines, hospital stores, and instruments for the officers and marines of the Marine Corps, stationed on shore, two thousand three hundred and sixty-nine dollars and seventy-one cents.

For contingent expenses—that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, extra rations to officers, and postage on public letters—nine thousand dollars.

For repairing barracks at the different stations, and for building new barracks at Portsmouth, ten thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person for his compensation who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from depreciation of Treasury notes received by such person to be expended in the public service. But in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due. And it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, April 29, 1824.

An Act making appropriations for certain Fortifications of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit: For fortifications, to each specifically, as follows:

For Fort Jackson, at Plaquemine Turn, on the river Mississippi, one hundred and ten thousand dollars.

For the fort at Chef Menteur, one hundred thousand dollars.

For the fort at Mobile Point, one hundred and twenty-five thousand dollars.

For Fort Monroe, ninety-five thousand dollars.

For Fort Calhoun, ninety thousand dollars.

For topographical reconnaissance, repairs, and contingencies, twenty-six thousand dollars.

For the purchase of a site, and collecting materials for the projected work at New Utrecht Point, one of the works intended to defend the Narrows, in New York harbor, fifty thousand dollars.

For the purchase of a site, and collecting materials for the projected work at Brenton's Point, Narraganset Bay, Rhode Island, fifty thousand dollars.

Approved, April 29, 1824.

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An Act to procure the necessary Surveys, Plans, and Estimates, upon the subject of Roads and Canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation. The surveys, plans, and estimates, for each, when completed, to be laid before Congress.

SEC. 2. *And be it further enacted,* That, to carry into effect the objects of this act, the President be and he is hereby authorized to employ two or more skilful civil engineers, and such officers of the Corps of Engineers, or who may be detailed to do duty with that corps, as he may think proper. And the sum of thirty thousand dollars be and the same is hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 30, 1824.

An Act to alter the times of holding the District Court in the District of Missouri.

Be it enacted, &c., That the District Court, for the District of Missouri, shall hereafter be held on the first Monday in March and September, in every year; any thing in any act heretofore passed, to the contrary, notwithstanding.

SEC. 2. *And be it further enacted,* That all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with, by the said court, at the time fixed in the first section of this act, in the same manner as if no alteration in the times for holding said court had taken place.

Approved, April 29, 1824.

An Act to repeal an act, approved the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan."

Be it enacted, &c., That the act approved on the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan," be, and the same is hereby, repealed, and that the accounting officers of the Government be authorized to take such judicial measures or otherwise, as may be necessary to compel a settlement of his accounts.

SEC. 2. *And be it further enacted,* That the proper accounting officer of the Treasury Department be, and the same is hereby, directed to carry to the credit of the said Hogan, the amount paid by him, on account of clothing to the Tennessee militia volunteer gunmen.

Approved, April 22, 1824.

An Act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to

have distributed, as prize money, to Lieutenant Francis H. Gregory, of the United States Navy, and the officers and crews of two gigs, or small boats, under his command, or to their legal representatives, the sum of three thousand dollars, for the capture and destruction of a British gunboat, called the Black Snake, in the river St. Lawrence, on the nineteenth of June, one thousand eight hundred and fourteen, and that the said sum of three thousand dollars be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the Treasury not otherwise appropriated.

Approved, May 4, 1824.

An Act for enclosing the Burial Ground of Christ Church, Washington Parish.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to cause to be paid to the vestry of Christ Church, Washington Parish, in the City of Washington, the sum of two thousand dollars, out of any money in the Treasury, not otherwise appropriated, for the purpose of aiding in the erection of a substantial wall around the burial ground of said parish: *Provided,* That the said vestry shall execute a bond to the United States, to be approved by the Secretary of the Treasury, and deposited in his Department, conditioned in the penalty of four thousand dollars, for the faithful application of the money, and execution of the work, and securing to the United States the four hundred sites reserved in said burial ground, for the interment of members of Congress, and others, connected with the General Government.

Approved, May 4, 1824.

An Act declaring the consent of Congress to certain Acts of the State of Alabama.

Be it enacted, &c., That the consent of Congress be, and hereby is, granted to the operation of an act of the General Assembly of the State of Alabama, passed on the thirtieth of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters;" and, also, to an act passed on the thirty-first of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Tennessee river."

Approved, May 13, 1824.

An Act altering the times of holding the Courts in the District of Columbia.

Be it enacted, &c., That the Circuit Court for Washington County, in the District of Columbia, shall hereafter commence and be held on the third Monday of December and first Monday of May, in each year, instead of the days now fixed by law; and the Circuit Court for Alexandria County, in said District, on the fourth Monday of April, instead of the days now established by law; and that all process whatsoever, now issued, or which may be issued, in the respective counties of Washington and Alexandria, in said District, returnable

to the days, respectively, now fixed, by law, for each of the said counties, shall be returnable, and returned, on the days prescribed by this act; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before, the said courts, at the respective times of holding the same, as heretofore established, shall be returned, and continued, in the same counties, respectively, in the same manner as if the said causes, recognizances, pleas, and proceedings, had been regularly returned or continued, to the said respective times appointed by this act for holding the said courts.

Approved, May 13, 1824.

An Act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands.

Be it enacted, &c., That, in all cases where the purchaser, or legal holder, of any certificate of purchase of any of the public lands of the United States, may have obtained a certificate of further credit, under the provisions of an act, passed second March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, one thousand eight hundred and twenty," or of the acts supplementary thereto, of the twentieth of April, one thousand eight hundred and twenty-two, and of the third of March, one thousand eight hundred and twenty-three, the person obtaining such certificate, or the legal holder thereof, shall be allowed, at any time prior to the tenth of April, one thousand eight hundred and twenty-five, to file, with the register of the land office, in the district where such land is situated, a relinquishment, in writing, of any section, half section, quarter section, or legal subdivision of a fractional section, made according to the provisions of the existing laws, in relation to the survey and sale of the public lands; and any payment made, on any tract of land so relinquished, shall be applied to the payment of the amount due on any tract retained by said purchaser, or legal holder of a certificate of purchase, which relinquishment shall be allowed only on condition that any such purchaser, or legal holder of a certificate of purchase, relinquish a sufficient quantity of land thereby to complete his or her payments due to the United States, or any lands retained, or pay the balance due, and which may afterwards become due, in money, before or at the time of such relinquishment; and, on the payment of such balance in money, there shall be allowed, on the amount so paid, a deduction of the rate of thirty-seven and a half per centum: *Provided*, That nothing herein contained shall entitle the person making such relinquishment to claim any repayment from the United States, on account of any lands so relinquished: *And provided further*, That nothing herein contained shall authorize any discounts upon payments made by relinquishment.

Sec. 2. And be it further enacted, That all purchasers, or legal holders of any certificate of pur-

chase, of any of the public lands of the United States, who may have obtained a certificate of further credit, under the provisions of the several acts above mentioned, or making complete payment, previous to the tenth of April, eighteen hundred and twenty-five, of every instalment now due, and which shall afterwards become payable, shall be allowed, upon the amount so paid, a deduction, at the rate of thirty-seven and a half per centum.

Sec. 3. And be it further enacted, That it shall be the duty of the registers and receivers of the land offices of the United States, immediately after the 10th of April, eighteen hundred and twenty-five, to return complete lists of the lands relinquished to the United States, within their districts; and such lands shall be exposed to sale, as other public lands of the United States.

Sec. 4. And be it further enacted, That the register and receiver of any land office shall be allowed double the fees given them by the act of the second of March, one thousand eight hundred and twenty-one, for like services, to be paid by the person or persons availing themselves of the provisions of this act.

Sec. 5. And be it further enacted, That the provisions of this act be extended to town lots and out lots reserved for that purpose, and sold by the United States on a credit.

Approved, May 18, 1824.

An Act providing for the appointment of an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, who shall receive for his compensation the sum of fifteen hundred dollars, in full, and that all rations or other allowances made to him, shall be deducted from the sum hereby allowed.

Sec. 2. And be it further enacted, That it shall be the duty of each Indian agent to reside and keep his agency within, or near the territory, claimed by the tribe or tribes of Indians for which he may be agent, at such place as the President of the United States may designate.

Approved, May 18, 1824.

An Act to provide for repaying to Bezaleel Wells a certain sum of money by him erroneously paid into the Treasury.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money, not otherwise appropriated, to Bezaleel Wells, of the State of Ohio, the sum of three hundred dollars, being the amount paid by him into the Treasury, on the twelfth day of October, in the year eighteen hundred and twenty-two, by mistake, on account of three several tracts of land, in the district of Vincennes, in the State of Indiana, which had been before that time relinquished by him to the United States, under the "Act for the relief of pur-

chasers of the public lands, prior to the first day of July, eighteen hundred and twenty."

Approved, May 18, 1824.

An Act to amend the several acts for imposing duties on Imports.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

First. On sail duck, oznaburgs, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem.

On all manufactures of wool, or of which wool shall be a component part, except worsted stuff goods and blankets, which shall pay twenty-five per centum ad valorem, a duty of thirty per centum ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five, and after that time, a duty of thirty-three and a third per centum ad valorem: *Provided*, That, on all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem.

Second. On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, and on all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem; on all other manufactures of silk, or of which silk shall be a component material, twenty per centum ad valorem: *Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *Provided, also*, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first day of January next ensuing.

Third. On wool manufactured, a duty of twenty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; afterwards, a duty of twenty-five per centum ad valorem, until the first of June, one thousand eight hundred and twenty-six; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more.

Fourth. On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar each, and shall be charged with duty accordingly.

Fifth. On japanned wares, of all kinds, on plated wares, of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of these metals is a component material, a duty of twenty-five per centum ad valorem.

On bolting cloths, fifteen per centum ad valorem;

On hair cloth and hair seating, thirty per centum ad valorem;

On marble, and all manufactures of marble, thirty per centum ad valorem;

On all paper hangings, forty per centum ad valorem;

On coach laces, of cotton or other material, thirty-five per centum ad valorem; on all other laces, twelve and a half per centum ad valorem;

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three and one half cents per pound;

On red or white lead, dry, or ground in oil, four cents per pound;

On Brussels, Turkey, and Wilton carpets and carpeting, fifty cents per square yard;

On all Venetian and ingrain carpets or carpeting, twenty-five cents per square yard;

On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;

On oil cloth carpeting, and on oil cloths, of every description, a duty of thirty per centum ad valorem;

On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;

On hemp, at the rate of thirty-five dollars per ton;

On tarred cables and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack thread, and seines, five cents per pound;

On cotton bagging, three cents and three-fourths of a cent per square yard;

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On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds;

On round iron, or braziers' rods, of three-sixteenths to eight-sixteenths of an inch diameter, inclusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-iron, scroll-iron, or case-metal rods, three cents per pound;

On iron spikes, four cents per pound;

On iron nails, cut or wrought, five cents per pound;

On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;

On square wire, used in the manufacture of stretchers for umbrellas, twelve per centum ad valorem;

On anvils and anchors, two cents per pound;

On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On mill cranks and mill irons, of wrought iron, four cents per pound;

On mill saws, one dollar each;

On blacksmiths' hammers and sledges, two and a half cents per pound;

On muskets, one dollar and fifty cents per stand;

On rifles, two dollars and fifty cents each;

On all other fire-arms, and on side-arms, thirty per centum ad valorem;

On cutting knives, scythes, sickles, and reaping hooks, spades and shovels, of iron or steel, thirty per centum ad valorem;

On screws of iron, weighing twenty-five pounds or upwards, thirty per centum ad valorem;

On screws of iron, for wood, called wood screws, thirty per cent. ad valorem;

On vessels of cast iron, not otherwise specified, one and a half cents per pound;

On all other castings of iron, not specified, one cent per pound;

On all vessels of copper, thirty-five per centum ad valorem;

On quills, prepared or manufactured, twenty-five per centum ad valorem;

On slates and tiles, for building, twenty-five per cent. ad valorem;

On black lead pencils, forty per centum ad valorem;

On tallow candles, five cents per pound;

On spermaceti candles, eight cents per pound;

On soap, four cents per pound;

On lard, three cents per pound;

On wheat, twenty-five cents per bushel;

On oats, ten cents per bushel;

On wheat flour, fifty cents per hundred weight;

On potatoes, ten cents per bushel;

On coal, six cents per heaped bushel;

On corks, twelve cents per pound;

On prunelle and other shoes or slippers, of stuff or nankeen, twenty-five cents per pair;

On laced boots or bootees, one dollar fifty cents per pair;

On linseed, rape seed, and hemp seed oil, twenty-five cents per gallon;

On castor oil, forty cents per gallon;

On ale, beer, and porter, imported in bottles, twenty cents per gallon; imported otherwise than in bottles, fifteen cents per gallon;

On beef and pork, two cents per pound;

On hams, and other bacon, three cents per pound;

On butter, five cents per pound;

On vinegar, eight cents per gallon;

On alum, two dollars and fifty cents per hundred weight;

On refined saltpetre, three cents per pound;

On blue or Roman vitriol, four cents per pound;

On oil of vitriol, three cents per pound;

On Glauber salts, two cents per pound;

On Epsom salts, four cents per pound;

On camphor, crude, eight cents per pound;

On camphor, refined, twelve cents per pound;

On copperas, two dollars per hundred weight;

On Cayenne pepper, fifteen cents per pound;

On ginger, two cents per pound;

On chocolate, four cents per pound;

On currants and figs, three cents per pound;

On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;

On all other raisins, three cents per pound;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet; and if above ten inches by twelve inches in size, four dollars per hundred square feet: *Provided*, That all window glass, imported in plates, uncut, shall be chargeable with the highest rate of duties hereby imposed;

On black glass bottles, not exceeding the capacity of one quart, two dollars per groce; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce; over two quarts, and not exceeding one gallon, three dollars per groce;

On demijohns, twenty-five cents each;

On apothecaries' vials, of the capacity of four ounces, and less, one dollar, per groce; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce;

On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

On all other articles of glass, two cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum;

On all books, which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five; and also on all books printed in other languages than English, four cents per volume, except books printed in Latin or Greek; on

all books printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound;

On all other books, when bound, thirty cents per pound; when in sheets or boards, twenty-six cents per pound;

On folio and quarto post paper, of all kinds, twenty cents per pound;

On foolscap and all drawing and writing paper, seventeen cents per pound;

On printing, copperplate, and stationers' paper, ten cents per pound;

On sheathing paper, binders', and box-boards, and wrapping paper, of all kinds, three cents per pound;

On all other paper, a duty of fifteen cents per pound;

A duty of twelve and a half per centum ad valorem on all articles, not herein specified, and now paying a duty of seven and a half per centum ad valorem, with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted free of duty until June thirtieth, one thousand eight hundred and twenty-six.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels, not of the United States: *Provided*, That this addition shall not be applied to articles imported in ships or vessels, not of the United States, entitled by treaty, or by any act of Congress, to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of this act, entitled an "Act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the drawback allowed by law on plain silk cloths, shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so colored, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples thereof reserved, shall be entered

in the books of the custom-house; and, after such examination, said goods shall be repacked in the original package, and the said original package shall be marked with the custom-house mark. And, whenever any such goods, being thus colored, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person, so entering the same, shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and, upon application for such entry and drawback, the contents of the packages so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples: and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered except by being colored, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of goods for the benefit of drawback, and shall, thereupon, be entitled to drawback, as in other cases: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of goods for exportation, with the benefit of drawback. And if any person shall present, for exportation and drawback, any colored, printed, stained, dyed, stamped, or painted silk, or nankeen cloths, knowing the same not entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases.

SEC. 5. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and re-enacted by, this act.

SEC. 6. *And be it further enacted*, That the provisions of the second section of the act of Congress, entitled "An act to regulate the duties on imports and tonnage," approved April twenty-seventh, one thousand eight hundred and sixteen, shall extend and inure to the benefit of the schools and colleges within the United States, or the territories thereof, in the same manner, and under the like limitations and restrictions, as is provided in said act, with respect to seminaries of learning.

Approved, May 22, 1824.

An Act to improve the navigation of the Ohio and Mississippi Rivers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved, over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river, one mile and a quarter below Flint Island; the sand bar two miles above French Island; the bar just below Henderson; the bar below Straight Island; the bar below Willow Island, in the Mississippi bend; and the bar opposite to lower Smithland, below Cumberland Island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless,* That two experiments shall first be made upon two of the said bars, and if in his judgment they shall be successful, then, and not otherwise, he is hereby authorized to cause improvements to be made upon the remaining bars.

SEC. 2. *And be it further enacted,* That, for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river, from Pittsburg to its junction with the Mississippi, the President of the United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river; and, for this purpose, he is authorized to procure and provide, in that way which, in his discretion, may be most eligible, the requisite water craft, machinery, implements, and force, to raise all such trees, commonly called "planters, sawyers, or snags," as may be found in the current of said rivers at the lowest stage of water, and to saw or cut them off, as near as practicable to the bottom of the stream; and where trees are found upon sand bars, upon the points of islands, or near the bank of the river, which may, at the lowest stage of the water, endanger the safety of navigating said river, they shall, in like manner, be cut, removed, or sawed off: and all roots or limbs, belonging to those parts of said trees which are fastened in the earth, shall be carefully cut away.

SEC. 3. *And be it further enacted,* That, for the purpose of carrying into effect the provisions of this act, the sum of seventy-five thousand dollars be, and is hereby, appropriated. And the President of the United States is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time for the whole, of said sum, as he shall judge the service requires; which said sum shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That the President be, and he is hereby, requested to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures as may, from time to time, be necessary, under existing circumstances. [Ap. May 24, 1824.]

An Act to enable the President to hold treaties with certain Indian tribes, and for other purposes.

Be it enacted, &c., That the sum of ten thousand dollars be, and the same hereby is, appropriated to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi; and that the said sum shall be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted,* That, for the purpose of negotiating said treaties, on the part of the United States, the President shall be, and he hereby is, authorized to appoint suitable persons for commissioners, and to fix their compensation, so as not to exceed what has been heretofore allowed for like services.

SEC. 3. *And be it further enacted,* That the President shall be, and hereby is, authorized to appoint two sub-agents, to be employed among the Indian tribes, on the waters of the Upper Missouri, whose annual salary shall be eight hundred dollars each, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places.

SEC. 5. *And be it further enacted,* That the Superintendent of Indian Affairs at St. Louis, and his successors in office, shall possess all the powers, and be subject to all the duties of Governors of Territories when exercising the office of Superintendents of Indian Affairs, and shall exercise a general supervision of the official conduct and accounts of Indian Agents, within his superintendency.

SEC. 6. *And be it further enacted,* That the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to furnish a competent military escort to the Commissioners authorized to be appointed by this act, if, in his opinion, the same shall be necessary.

Approved, May 25, 1824.

An Act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the Treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen.

Be it enacted, &c., That, for the purpose of providing funds to discharge the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued and sold to the Bank of the United States, or others, at a sum not less than the par value thereof, cer-

tificates of stock of the United States, to any amount not exceeding the sum of five millions of dollars, and bearing an interest of not exceeding four and one-half per centum per annum from the period of the sale thereof; which stock, so created, shall be redeemable at the pleasure of the United States, at any time after the first day of January, in the year one thousand eight hundred and thirty-two. And, upon the sale of such stock, in manner aforesaid, credit or credits to the proprietors thereof shall thereupon be entered and given on the books of the Treasury, in like manner as for the present funded debt; which said credits or stock shall thereafter be transferrable as other public stock of the United States.

SEC. 2. *And be it further enacted*, That the moneys which may be received from the issuing and sale of the aforesaid certificates of stock, shall, and the same are hereby directed to, be applied to the payment and discharge of the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year eighteen hundred and nineteen: *Provided, also*, That, in all cases where the person or persons, in whose name, or for whose benefit and interest the aforesaid awards shall be made, shall be in debt and in arrears to the United States, the Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall only issue for the balance.

SEC. 3. *And be it further enacted*, That a sum, equal to what will be necessary to pay the interest which may accrue on the said stock, to the end of the present year be, and the same is hereby, appropriated for that purpose, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 24, 1824.

An Act providing for a grant of land for the Seat of Government in the Territory of Florida, and for other purposes.

Be it enacted, &c., That there shall be, and hereby is, granted to the Territory of Florida, one entire quarter section of land, or fractional section, not exceeding in quantity one quarter section, for the Seat of Government in that Territory, to be located previously to the sale of the adjacent lands, under the authority of the Governor thereof, at the point selected for the permanent Seat of Government for said Territory.

SEC. 2. *And be it further enacted*, That the Governor and Legislative Council of the Territory aforesaid, or a majority thereof, be, and they are hereby, authorized to adopt such measures as to them may seem expedient for the sale of said tract of land, or any part thereof, for the purpose of raising a fund for the erection of public buildings at said Seat of Government.

SEC. 3. *And be it further enacted*, That there shall be, and hereby are, reserved from sale, three entire quarter sections of lands of the United States, lying contiguous to, and adjoining, the quarter section granted by the first section of this act, to be located by the Governor of said Territory.

SEC. 4. *And be it further enacted*, That so much of the seventh section of the act of Congress of the third of March, one thousand eight hundred and twenty-three, entitled "An act amending and supplementary to the act entitled 'An act to provide for the survey and disposal of the public lands in Florida,'" as prevents the appointment of a surveyor for Florida, until the Commissioners shall have decided and reported on the private claims in said Territory be, and the same is hereby, repealed; and the Eastern and Western land districts in said Territory shall be divided and separated by the Suwaney river, and not by the ancient line of division between the provinces of East and West Florida, as prescribed by the eighth section of the act aforesaid.

Approved, May 24, 1824.

An Act concerning Invalid Pensions.

Be it enacted, &c., That the Secretary of War be and he is hereby directed to place the following named persons on the list of invalid pensioners of the United States, who shall be entitled to and receive pensions according to the rates and commencing at the times hereinafter mentioned—that is to say:

Andrew Gorril, at the rate of eight dollars per month; to commence on the third day of December, one thousand eight hundred and twenty-one.

James Wilson, at the rate of four dollars per month; to commence the first day of January, one thousand eight hundred and twenty-three.

William Parker, Rock, and Thomas, three Seneca Indians, residing at Buffalo, in the State of New York, at the rate of four dollars per month, each; to commence the first day of February, one thousand eight hundred and twenty-three.

Approved, May 19, 1824.

An Act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse Land Districts.

Be it enacted, &c., That claimants of lands within the limits of the land district of St. Helena, as established by the act of the twenty-fifth of April, one thousand eight hundred and twelve, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," whose claims have been presented to the commissioner appointed to receive and examine claims and titles to lands in said district, or to the register and receiver, acting as commissioners, under the provisions of the act of the third of March, one thousand eight hundred and nineteen, entitled "An act for adjusting the claims to lands and establishing land offices in the districts east of the island of New Orleans, and which have not been reported to Congress, or whose claims have not been heretofore presented to the said commissioner, or to the register and receiver acting as commissioners, be allowed until the first day of January next to present their titles and claims, and the evidence in support of the same, to the register and receiver

of the said district, whose powers and duties in relation to the same shall in all respects be governed by the provisions of the acts before recited, and of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act supplementary to the several acts for adjusting the claims to land and establishing land offices in the districts east of the island of New Orleans."

SEC. 2. *And be it further enacted,* That the said register and receiver shall have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall perform the duty of translator, and such other duty as may be required by said register and receiver; and the said register and receiver shall each be allowed, as a compensation for their services, in relation to the said claims, and for the services to be performed under the provisions of the several acts to which this is a supplement, at the rate of one thousand dollars a year; and the clerk at the rate of twelve hundred and fifty dollars a year; and the clerk employed by the said register and receiver, last year, shall be allowed, for the services then rendered by him, nine months' salary, at the same rate; which several sums of money shall be paid out of any moneys in the Treasury, not otherwise appropriated: *Provided,* That no more than two years' compensation be thus allowed to either the register and receiver, or their clerk; and the payment of the whole, or any portion of the aforesaid compensation, may be withheld by the Secretary of the Treasury, until a report shall have been made to him, of the performance of the services for which the same is allowed.

SEC. 3. *And be it further enacted,* That the clerk employed by the register and receiver of public moneys at St. Helena Courthouse, be allowed the sum of one hundred dollars for the services performed by him, as clerk to the said register and receiver of public moneys during the year one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

SEC. 4. *And be it further enacted,* That all donation claims which may be presented to the said register and receiver, under this act, and all claims founded on complete or incomplete titles, which may be so presented, not heretofore surveyed, shall be surveyed at the expense of the claimants.

SEC. 5. *And be it further enacted,* That the principal deputy surveyor of the United States for St. Helena district, shall reside at such place, in the said district, as shall be designated by the President of the United States.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands, approved on the eighteenth day of May, one thousand eight hundred and twenty-four."

Be it enacted, &c., That the benefits and privileges of the act of Congress, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public

lands," approved on the eighteenth day of May, one thousand eight hundred and twenty-four, of which this act is explanatory, be extended to those persons who have obtained certificates of further credit, for any half quarter section, or for any fractional section of land, under the provisions of any of the several laws for the relief of purchasers of public lands, referred to in the said act, of which this is explanatory.

SEC. 2. *And be it further enacted,* That all relinquishments of land, which shall be executed under the provisions of the said act of the eighteenth day of May, one thousand eight hundred and twenty-four, or under the provisions of this act, shall be filed with the register of the land office at which the land was purchased; any thing in the said act of the eighteenth of May, one thousand eight hundred and twenty-four, of which this is explanatory, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act changing the mode of surveying the public lands on any river, lake, bayou, or water course.

Be it enacted, &c., That whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water course, would promote the public interest, he may direct the Surveyor General, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

Approved, May 24, 1824.

An Act to amend an act, entitled "An act to amend an act for the establishment of a Territorial Government in Florida, and for other purposes."

Be it enacted, &c., That the judicial power of the Territory of Florida shall be vested in three superior courts, and in such inferior courts and justices of the peace as the Legislative Council of the Territory may, from time to time, establish. There shall be a superior court for that part of the Territory situated to the west of the Apalachicola, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each and every year, at Pensacola, and at such other times and places as the Legislative Council may direct. There shall be a superior court for that part of the Territory, situated between the Apalachicola and Suwannee rivers, to consist of one judge; he shall hold his court on the first Mondays of April and October, in each and every year, at the seat of government in said Territory, and at such other times and places as the Legislative Council may direct.

There shall be a superior court for that part of the Territory situated to the east and south of the Suwannee river, to consist of one judge; he shall hold court on the first Monday in May and November, in each and every year, at St. Augustine, and at such other times and places as the Legislative Council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital offences, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under the laws of the Territory now in force, or which may, at any time hereafter, be enacted by the Legislative Council, and shall have and exercise appellate jurisdiction over the inferior courts of said Territory. Each judge shall appoint a clerk, who shall reside, respectively, at the place where his said court is, or may, by law, be, directed to be held, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the laws of the Territory, such fees as shall be established by the Legislative Council. And writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, hereinafter provided for, in such manner, and under such regulations, as the Legislative Council may direct; and, until the Legislative Council shall have made such regulations, writs of error and appeal from the decision of the said superior courts shall be made to the appellate court of the Territory, in the same manner that writs of error and appeals are taken and prosecuted in the next adjoining State.

SEC. 2. *And be it further enacted,* That each of the said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and Constitution of the United States, which, by an act to establish the judicial courts of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,' approved the second of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. The first six days of each term of the said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the laws and Constitution of the United States. And writs of error and appeal from the decisions, in the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, in such manner, and under such regulations, as the Legislative Council shall direct. The clerks, respectively, shall keep the records at the places where the courts are held, and no one clerk shall, by himself or deputy, officiate at more than one place for holding said courts; they shall receive, in all cases under the laws and Constitution of the United States, the same fees which the clerks of the district court of the next adjoining State receive for similar services.

SEC. 3. *And be it further enacted,* That there shall be appointed, for each of the said courts, a person, learned in the law, to act as attorneys of the United States, as well as for the Territory, each of whom shall receive the same fees, both in civil and criminal cases, as are received by the district attorney of the United States, of the next adjoining State, for similar services; and shall, moreover, receive, as a full compensation for extra services, annually, the same salary as is provided, by law, for the district attorney of the district of Kentucky, to be paid, quarterly, by the Treasury of the United States. There shall, also, be appointed, for each of the said courts, a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals, in other districts, are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services; and shall, also, be subject to such regulations and penalties as the Legislative Council shall impose, while acting under, and in virtue of, the Territorial laws. Each judge shall receive a salary of fifteen hundred dollars per annum, to be paid, quarterly, by the Treasury of the United States.

SEC. 4. *And be it further enacted,* That there shall be organized in said Territory a court of appeals, to be composed of the judges of the superior courts of the said Territory, any two of whom shall be a quorum, and shall hold annually, at the seat of Government of said Territory, one session, commencing on the first Monday in January, in each and every year. The senior judge shall be the presiding judge of said court, and the other judges shall have precedence according to the date of their commissions, or, where their commissions are of the same date, according to their respective ages. That the said court may, by any one of its judges being present, be adjourned from day to day, until a quorum be convened; and, if no one of its judges be present, by the marshal of said court, until a quorum be convened; and the district attorney, marshal, and clerk, of the superior court of the middle district shall be officers of the said court of appeals; and writs of error and appeal from the decision of the said court shall be made to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, where the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

SEC. 5. *And be it further enacted,* That so much of the act, of which this is an amendment, as requires the Legislative Council of said Territory to commence its sessions on the first Monday in May, in each and every year, be, and the same is hereby, repealed; and the said Legislative Council shall hereafter hold a session in every year, commencing on the second Monday in November, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer in session than eight weeks; to be held at the seat of Gov-

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ernment in said Territory, or at such other place or places as the Governor and Council may from time to time direct.

SEC. 6. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires that the Governor of Florida shall not leave the Territory without the permission of the President of the United States, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act to authorize masters of vessels in certain cases to clear out either at the Custom-House of Petersburg or that of Richmond.

Be it enacted, &c., That any ship or vessel, owned by, or consigned to, any person or persons in the collection district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or owners, consignee or consignees, may be cleared out by the Collector of the district of Richmond, on application of the owner, consignee, or captain, of such ship or vessel: *Provided*, That the entire cargo shall be bona fide taken or shipped from the district of Richmond.

Approved, May 26, 1824.

An Act to alter the times of holding the Circuit and District Courts of the United States for the district of South Carolina.

Be it enacted, &c., That instead of the times now established by law, the Circuit Court for the district of South Carolina shall annually be holden as follows, to wit: at Charleston on the second Tuesday of April, and at Columbia on the third Tuesday of November.

SEC. 2. *And be it further enacted*, That all suits, actions, writs, processes, and other proceedings, which now are pending in said Circuit Court, or which now are, or may hereafter be, commenced for, or returnable to, the said Circuit Court, at the times and places heretofore established, shall be returnable to, heard, tried, and determined, in the said Circuit Court, at the times and places hereby respectively established for the holding thereof.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the times of holding the District Courts of the United States at Laurens Courthouse, South Carolina, shall be so altered that the said Court shall hereafter convene on the Tuesday next ensuing, after the adjournment of the Circuit Court of the United States at Columbia.

Approved, May 25, 1824.

An Act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments.

Be it enacted, &c., That it shall be lawful for the respective Departments, hereinafter mentioned, to employ the following clerks, in addition to those authorized by existing laws, that is to say:

In the Treasury Department, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Treasurer, one clerk, whose salary shall not exceed the sum of eight hundred dollars, and one assistant to the chief clerk, whose salary shall not exceed the sum of four hundred dollars per annum;

In the office of the Fifth Auditor, one clerk, whose salary shall not exceed one thousand four hundred dollars, and two clerks, whose salaries, respectively, shall not exceed one thousand one hundred and fifty dollars;

In the Navy Department, one clerk, whose salary shall not exceed one thousand dollars;

In the office of the Navy Commissioners, three clerks, and one draughtsman, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum;

In the office of the Postmaster General, four clerks, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum; and two clerks, whose salaries, respectively, shall not exceed the sum of eight hundred dollars per annum;

In the office of the Commissary General of Subsistence, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the Engineer Department, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the office of the Surgeon General, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Commissary General of Purchases, three clerks, whose salaries together, shall not exceed the sum of three thousand five hundred dollars per annum.

SEC. 2. *And be it further enacted*, That it shall be lawful for the officers of the Departments to employ, in their respective offices, messengers, assistants, and other persons, as follows, that is to say:

In the office of the Secretary of State, one messenger and assistant, at a compensation not exceeding one thousand and fifty dollars per annum;

In the Patent Office, one machinist, at a compensation not exceeding seven hundred dollars, and one messenger, at a compensation not exceeding four hundred dollars per annum;

In the office of the Secretary of the Treasury, one messenger and assistant, whose compensation, together, shall not exceed one thousand and fifty dollars per annum;

In the office of the First Comptroller, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Second Comptroller, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the First Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Second Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Third Auditor, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Fourth Auditor, one messenger, at a compensation, not exceeding seven hundred dollars per annum;

In the office of the Fifth Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Treasurer, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Commissioner of the General Land Office, one messenger, and laborer, at a compensation, together, not exceeding eleven hundred and fifty dollars per annum;

In the office of the Register of the Treasury, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of War, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Paymaster General, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of Commissary General of Purchases, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Secretary of the Navy, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Commissioners of the Navy, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Postmaster General, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of the Senate, one messenger, at a compensation not exceeding seven hundred dollars;

In the office of the Clerk of the House of Representatives, three clerks, at a compensation not exceeding one thousand five hundred dollars each; and one messenger, whose salary shall not exceed seven hundred dollars per annum.

SEC. 3. *And be it further enacted*, That the sum of five thousand nine hundred and thirteen dollars and seventy-five cents is hereby appropriated for one additional clerk in the Department of the Navy, and for four additional clerks in the General Post Office, including the sum of nine hundred and thirteen dollars and twenty-five cents, due for extra clerk hire in the General Post Office, during one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

Approved, May 26, 1824.

An Act in further addition to "An act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed."

Be it enacted, &c., That any alien, being a free

white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is [in] addition, three years previous to his admission: *Provided*, such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove, to the satisfaction of the court, that, for three years next preceding, it has been the *bona fide* intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

SEC. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act, to which this is an act in addition, shall, if the same has been *bona fide* made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; anything in the said act, or in any subsequent act, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the fourth of May, one thousand eight hundred and twenty-two."

Be it enacted, &c., That the proper accounting officer of the Treasury Department be, and he is hereby, directed to give such construction to the act of the fourth of May, one thousand eight hundred and twenty-two, as that its provisions shall extend to the claims of the volunteer, field, and staff officers, engaged in the campaign of eighteen hundred and eighteen, against the Seminole Indians, who lost horses or the necessary equipage thereof, in the manner mentioned in said act, and

also to the claims of all the volunteer officers or soldiers engaged in the campaign aforesaid, who, without any fault or negligence on their part, respectively, lost horses, or the necessary equipage thereof, in battle.

SEC. 2. *And be it further enacted*, That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and directed to audit and settle the claims of all owners of wagons and teams, and others, for any horse or horses impressed into the public service during the said Seminole campaign: *Provided*, That such impressment, and the value of said horse or horses, be satisfactorily proved, and that it shall, also, be satisfactorily proved that such horse or horses were not returned to their owners, and that any compensation which may have been allowed and paid for the service of said horse or horses, after the time of their impressment, be deducted.

SEC. 3. *And be it further enacted*, That the amount of such claims, so audited and settled, when ascertained, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act supplementary to an act, approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."

Be it enacted, &c., That, when any mistake, in relation to the correct numbers of any tract of land, not exceeding in quantity one half section, may have been heretofore made by any purchaser of the public lands of the United States at private sale, and where one or more payments shall have been made by the person making the entry, on any tract entered by mistake, and where such payment has not been forfeited, previously to the passing of this act, for a failure to complete the payments on such tract; and where the purchaser or purchasers may not, in relation to said tract, have in any way taken advantage of the provisions of the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of the public lands prior to the first day of July, eighteen hundred and twenty," or of the act supplementary thereto, or the act continuing in force said supplementary act, and where the person or persons making the purchase, has not, in any way, transferred his, her, or their right to the certificate of purchase, or the tract so purchased, and where no patent shall have issued for the tract so erroneously purchased; and, also, in all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half section; and where the certificate of the original purchaser or purchasers has not been assigned, or the right of the original purchaser or purchasers in any way transferred, and where six months, from the time the entry shall have been made, may not have elapsed, or the patent issued

for the tract erroneously entered, the purchaser or purchasers, or, in case of his, her, or their death, the legal representatives, (not being assignees or transferees,) may, either in cases of entry before or after the passing of this act, and in any case coming within its provisions, file his, her, or their own affidavit or affidavits, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion or opinions, both as to the existence of the mistake, and the credibility of each person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, shall be authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry: *Provided*, That the oath of the person or persons interested shall, in no case, be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry: *And provided, also*, That nothing herein contained shall affect the right of third persons.

SEC. 2. *And be it further enacted*, That either the register or receiver may administer all oaths to be made under the provisions of this act; and every person knowingly, wilfully, and corruptly, swearing falsely on any oath administered to him, or her, under the provisions of this act, shall, on indictment and conviction for such offence, before any court having competent jurisdiction to try the same, suffer the pains and penalties of wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That, for every oath administered under the provisions of this act, the register and receiver shall be allowed the sum of twenty-five cents, and twenty cents for every hundred words of the evidence received and transmitted to the Commissioner of the General Land Office, to be paid by the party making application for a change of entry.

Approved, May 24, 1824.

An Act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson.

Be it enacted, &c., That there be paid to William Cocke, formerly of the Tennessee gunmen, out of the moneys of the Treasury, not otherwise appropriated, two months' full pay and emoluments, as a colonel in the infantry of the army of the United States.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and they are hereby, directed, in the settlement of the accounts of John T. Johnson, for services rendered in the late war against Great Britain,

during the time he acted as volunteer aid to Major General William H. Harrison, to allow him the pay of a Captain, with the additional pay and emoluments allowed by law to the aids of Majors General.

Approved, May 18, 1824.

An Act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty.

Be it enacted, &c., That there be, and hereby is, reserved, for the use of the chiefs and tribe of Wyandot Indians, subject to the conditions and limitations of the former reservation, the northeast quarter of section numbered two, in township two, and range seventeen, south of the base line, of land, in the Delaware land district, in the State of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky river, and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the State of Ohio, on the seventeenth day of September, eighteen hundred and eighteen, on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land, reserved by said supplementary treaty.

Approved, May 26, 1824.

An Act to fix the Western boundary line of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the western boundary line of the Territory of Arkansas shall begin at a point forty miles west of the southwest corner of the State of Missouri, and run south, to the right bank of the Red river, and thence, down the river, and with the Mexican boundary, to the line of the State of Louisiana, any law heretofore made, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That the sum of two thousand dollars, to defray the expense of running and marking said boundary line, to be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 3. *And be it further enacted,* That so much of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth [eighth] of October, eighteen hundred and twenty, with the Choctaw Indians, as remains unexpended, shall, under the direction of the President of the United States, be employed for the purposes mentioned in the said act of third of March, eighteen hundred and twenty-one, any law to the contrary notwithstanding.

SEC. 4. *And be it further enacted,* That the sum of ten thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated, to defray the expenses of treating with the Choctaw

Indians, to obtain a modification of the treaty of October eighteenth, [eighth] one thousand eight hundred and twenty.

Approved, May 26, 1824.

An Act to allow the bounty to vessels employed in the Cod Fisheries in certain cases.

Be it enacted, &c., That any vessel which shall be licensed according to law, for the cod fishery, and which shall have completed her fishing term, according to the provisions of law, and thereby become entitled to the allowance of bounty, shall, in returning to any port within the United States, be wrecked or lost, the owner or owners, and crew of such vessel, shall, on satisfactory proof being made to the Comptroller of the Treasury, of the wreck or loss of such vessel, be entitled to the same bounty as would have been allowed, had such vessel returned to port.

SEC. 2. *And be it further enacted,* That any vessel which shall have completed her fishing term, subsequent to the act entitled "An act in addition to, and alteration of, an act entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowance to certain vessels employed in the fisheries,'" passed the third of March, one thousand eight hundred and nineteen, and which shall, in returning to any port in the United States, have been wrecked or lost, the owner or owners, and crew, of such fishing vessel, shall have extended to them the provisions of the first section of this act.

Approved, May 26, 1824.

An Act to allow further time to complete the issuing and locating of Military Land Warrants.

Be it enacted, &c., That the authority granted to the Secretary of the Department of War, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived, and continued in force for the term of five years.

Approved, May 26, 1824.

An Act to revive and extend the term of certain pensions, which have expired by limitation.

Be it enacted, &c., That the pensions heretofore granted, and paid out of the Privateer Pension Fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and

twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war."

Approved, May 26, 1824.

An Act granting a tract of land to the inhabitants of Point Coupee, on certain conditions.

Be it enacted, &c., That the right of the United States, to a tract of land, forty arpens front, upon the Mississippi river, and running back the depth of forty arpens, at a remarkable bend on said river, be, and the same is hereby, granted to the inhabitants of the parish of Point Coupee, within which said land is situated, on condition that said parish shall, at all times, hereafter, keep a good and sufficient levee in front of said land, upon the river Mississippi; and if they should, at any time hereafter, cease to keep up such good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act for the relief of the representatives of John Donnelson, Stephen Heard, and others.

Be it enacted, &c., That the heirs and representatives of John Donnelson, Stephen Heard, William Downs, Joseph Martin, John Sevier, and Thomas Carr, or their heirs and representatives, respectively, be, and they are hereby, authorized and empowered, severally, to enter, under the direction of the Secretary of the Treasury, five thousand acres of land, at any time within two years from the passing of this act, in any land office in either of the States of Mississippi or Alabama; being the amount of a grant made to them, by a resolution of the Legislature of the State of Georgia, in the year one thousand seven hundred and eighty-six: *Provided,* That the said claim shall be satisfied out of the five millions of acres of land, set apart by the act of Congress, of the third of March, one thousand eight hundred and three, pursuant to the articles of agreement and cession, between the State of Georgia and the United States, entered into on the twenty-fourth day of April, one thousand eight hundred and two. *Provided, also,* That the acceptance of the grant hereby made shall be a discharge of all further claims against the United States by the persons herein named, or their heirs or legal representatives, under the said resolution of the Legislature of the State of Georgia, agreed to be paid by the United States, in satisfaction of "certain claims or pretended claims" on the part of the State of Georgia; and provided that this bill shall be a

discharge of any future claim against the United States.

SEC. 2. And be it further enacted, That said claims shall not be located or entered on any lands except those which may have been, previous to the making of said entry, offered at public sale, nor upon any lands forfeited or relinquished to the United States; nor shall any entry be made for a less quantity than a quarter section: *Provided,* Nothing herein contained shall prevent the entry of any fraction.

Approved, May 24, 1824.

An Act to authorize the issuing a register to the Brig William, of New York.

Be it enacted, &c., That there be issued, under the direction of the Secretary of the Treasury, a register to the brig William, a British vessel, lately called the Union, which vessel was stranded on the coast of the United States, and purchased by William Porter, a citizen of the United States, and by him repaired: *Provided,* It shall be proved, to the satisfaction of the Secretary of the Treasury, that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three-fourths of the original cost of building a vessel of the same tonnage in the United States.

Approved, May 21, 1824.

An Act for the benefit of the Columbian Institute.

Be it enacted, &c., That there be granted, during the pleasure of Congress, to the Columbian Institute, for the promotion of the arts and sciences, the use and improvement of the tract of public ground in Washington City, which is bounded on the east by the Botanical Garden, in the occupancy of the said Columbian Institute; on the north by the Pennsylvania Avenue; on the west by the Tiber and Canal; and on the south by the Maryland Avenue: *Provided,* That, whenever the said Columbian Institute shall be dissolved, or cease to exist, or to employ the said tract of land for the purposes aforesaid, all right, title, and interest, hereby granted to the same, shall revert to, and vest in, the United States.

Approved, May 26, 1824.

An Act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States.

Be it enacted, &c., That the sum of sixty thousand two hundred and thirty-nine dollars and twenty-four cents, shall be, and is hereby, appropriated, to be paid by the Secretary of the Treasury to Daniel D. Tompkins, late Governor of the State of New York, in full for the balance found due him, for his services, losses, and disbursements, for, or on account of, the United States, during the late war with Great Britain.

Approved, May 26, 1824.

An Act for the relief of the corporation of the Church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit.

Be it enacted, &c., That it shall be lawful for the Governor and Judges of the Territory of Michigan, to cause Larned street, in the town of Detroit, to be continued, westerly, parallel to Jefferson avenue, until it intersects the street which runs northerly from said avenue, at right angles therewith, near the public barn, agreeable to the plan of the town; and to cause the public barn, and the pickets bounding the military reserve, to be removed to the north side of Larned street.

SEC. 2. *And be it further enacted,* That so much of the military reserve, lying south of Larned street, thus extended, as is included in the deed from the said Governor and Judges to the Corporation of the Catholic Apostolic and Roman Church of St. Anne, of Detroit, on the 11th day of January, one thousand eight hundred and seventeen, be, and the same is hereby declared to be, confirmed to the said corporation.

SEC. 3. *And be it further enacted,* That the residue of the said military reserve, between Larned street and Jefferson avenue, included within the pickets of the said reserve, and bounded west by said street, which runs from said avenue to the public barn, and east by the east bounds of the military reserve, be, and the same is hereby declared to be, vested in the said Governor and Judges, to be disposed of as, by the act of Congress, passed the twenty-first day of April, one thousand eight hundred and six, entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," is directed.

Approved, May 26, 1824.

An Act to regulate the Fees of the Registers of Wills in the several counties within the District of Columbia.

Be it enacted, &c., That, from and after the passing of this act, there shall be allowed, and paid, (in lieu of the fees now allowed,) to each of the Registers of Wills, for the counties of Washington and Alexandria, in the District of Columbia, the following fees, that is to say:

For every probate of will, (where there is no controversy,) one dollar;

For granting letters testamentary, seventy-five cents;

Annexing will, for one hundred words, twelve and one-half cents;

Registering the same, for one hundred words, twelve [and] a half cents;

For granting letters of administration, seventy-five cents;

Every bond taken of executors, administrators, or guardians, and recording the same, one dollar and fifty cents;

For filing and entering renunciation of executors, or widow, twenty-five cents;

For exemplification of letters testamentary, or letters of administration, under seal, one dollar;

For issuing warrant, under seal, to appraisers, and warrant to swear them, fifty cents;

For notice of administrators to creditors, and orders thereon, fifty cents;

For entering caveat, twenty-five cents;

For issuing citation, under seal, fifty cents;

For administering every oath, or affirmation, six and one-fourth cents;

For filing list of articles appraised, twenty-five cents;

For filing list of articles sold at vendue, twenty-five cents;

For recording the same, (if ordered by the Court,) for every hundred words, twelve and one-half cents;

For stating, passing, and filing the account of an executor, administrator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents;

For examining the vouchers, passing, and filing the account of an executor, administrator, or guardian, (not stated by the Register,) and not exceeding seventy-five items, two dollars; every additional item, two cents;

For copy of same, under seal, if demanded, not exceeding one hundred items, one dollar; every additional item, two cents; seal and certificate, thirty-seven cents and one-half;

For subpoena, thirty-seven cents and one-half. All witnesses to be put into one subpoena, unless separate ones are required by the party. For every name after the first, six cents and one-fourth.

For duces tecum, under seal, fifty cents;

For every search, where no other service is performed for which fees are allowed, eighteen cents and three-fourths;

For making out, and filing, the balance of distribution of deceased persons' estate, for each heir, one dollar;

For taxing all costs, in any one case, twenty-five cents;

For a writ of execution, on a definitive sentence, under seal, seventy-five cents;

For recording, and filing, each indenture of apprenticeship, including the Court's taking recognizance for same, or its approval when done by the Justices of the Peace, seventy-five cents;

For drawing deposition of witnesses, for every hundred words, twelve cents and one-half;

For filing all other papers, (except as above required,) four cents each;

For entering appearance of party under process, twelve cents and one-half;

For entering return of process, twelve and one-half cents;

For every continuance or reference, chargeable to the applicants, twelve and one-half cents;

For commission to examine witnesses, or to auditors, under seal, one dollar;

For commission to value orphan's estate in the hands of guardians, under seal, one dollar;

For entering every order of court, twelve cents and one-half; if more than one hundred words, then at the rate of twelve cents and one-half per hundred;

For recording or copying any paper, for one hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

Public Acts of Congress.

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of twelve cents and one-half per hundred;

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

For entering every motion in court, twelve and one-half cents;

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one-half cents;

For issuing attachment and entering motion therefor, seventy-five cents;

For taking a recognizance, twenty-five cents;

For warrant to marshal to summon jury, under seal, seventy-five cents;

For entering panel of jury, and swearing them, fifty cents;

For taking, filing, and recording, every bond, not above provided for, one dollar;

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

SEC. 2. *And be it further enacted*, That the respective officers, whose fees are by this act specified, are hereby required to make fair tables of their fees, agreeable to this act, and to set up the same, in their respective offices, within six months after the passing of this act, in some conspicuous part of their office, for the inspection of all persons who may have business in said offices, on pain of forfeiting, for each day the same shall be missing, through said officer's neglect, the sum of ten dollars, to be recovered as debts of the same amount are recoverable, one-half to the county, and the other half to the informer.

SEC. 3. *And be it further enacted*, That, if a Register of Wills, or any person for him, shall take greater fees than hereinbefore expressed, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable; *Provided, always*, That the Judges of the Orphans' Court may allow to the Register of Wills, reasonable fees for any service he may have rendered, not specified in this act.

SEC. 4. *And be it further enacted*, That the Registers of Wills of the counties of Washington and Alexandria, in the District of Columbia, shall be allowed by the Levy Courts of their respective counties, for all record books and dockets necessarily furnished for their respective offices; which allowance shall be levied and collected as other county charges are.

Approved, May 26, 1824.

An Act to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia, and for other purposes.

Be it enacted, &c., That the Levy Court of the county of Alexandria, in the District of Columbia, shall, from and after the passing of this act, have,

possess, and exercise, all the powers which the county courts of Virginia possessed and exercised on the twenty-seventh day of February, one thousand eight hundred and one, in relation to the laying of the county levies; and that the Marshal of the District of Columbia shall collect and account for the levies so laid by said court, in the same manner, and at the same time, as the Sheriffs of Virginia collected and accounted for the levies made by the aforesaid county courts of Virginia, on the aforesaid twenty-seventh day of February, one thousand eight hundred and one. The Marshal of the District aforesaid, shall pay over the amount, so collected, to the order of the Levy Court aforesaid.

SEC. 2. *And be it further enacted*, That any seven Justices of the Peace in the county of Alexandria aforesaid, who shall be duly qualified, shall be a quorum for the transaction of all business appertaining by law to the Levy Court aforesaid.

SEC. 3. *And be it further enacted*, That the Orphans' Court of the said county of Alexandria shall, hereafter, be held at the courthouse in the town of Alexandria, so soon as a suitable room shall have been provided on the public square on which said courthouse stands, for the safe-keeping of the records of said Orphans' Court. The said Orphans' Court shall hold its sessions on the first Monday of each month, and may adjourn from day to day, for the purpose of transacting the business of said court: *Provided*, That the whole number of days of the session of said court shall not exceed four in any one month.

SEC. 4. *And be it further enacted*, That the Register of Wills for the county of Alexandria aforesaid, shall, within two months from and after the passage of this act, give bond and good security, payable to the United States, in the penalty of five thousand dollars; which bond shall be conditioned for the due and faithful performance of the duties of his office, as prescribed by law; which bond shall be renewed once in every five years thereafter, and shall be approved by the Orphans' Court; and shall be recorded among the records of the Circuit Court of the District of Columbia, for the county aforesaid; an official copy of which bond, duly certified, shall have the force and effect of the original, in all suits brought on said bond.

Approved, May 26, 1824.

An Act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and by appraisement, or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts' lines, in the State of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States, in the case of *Doddridge's lessee*, against

Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States; and that he report the facts at the commencement of the next session of Congress.

Approved, May 26, 1824.

An Act making appropriations for deepening the Channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach.

Be it enacted, &c., That the following sums of money be, and the same are hereby, appropriated, out of any moneys in the Treasury, not otherwise appropriated, and placed at the disposition of the United States, for the purpose of accomplishing the objects hereinafter mentioned, to wit: the sum of twenty thousand dollars, for making or deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania; and the sum of twenty thousand dollars, to repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed.

Approved, May 26, 1824.

An Act to allow a salary to the Collectors of the District of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola.

Be it enacted, &c., That, from and after the passage of this act, the following annual salaries be, and the same are hereby, allowed, to wit: To the collector of the port of entry for the District of Nantucket, in the State of Massachusetts, the sum of two hundred and fifty dollars; and to the collector of the port of entry for the District of Pensacola, in the Territory of Florida, the sum of five hundred dollars.

SEC. 2. *And be it further enacted,* That, from and after the thirtieth day of June next, the office of surveyor of the port of entry for the District of Pensacola, in the Territory above mentioned, be, and the same is hereby abolished.

Approved, May 26, 1824.

An Act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and one-half per cent., for certain stocks bearing an interest of six per cent.

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to borrow, on or before the first day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest, payable quarter yearly, not exceeding four and one-half per centum per annum, and reimbursable at the pleasure of the Government, at any time after the thirty-first day of December, one thousand eight hundred and thirty-one, to be applied, in addition to the moneys which may be in the Treasury at the time of borrowing the same, to pay off and discharge such part of the six per cent. stock of the United States, of the year one thousand eight hundred and twelve, as may be redeemable after the first day of January next.

SEC. 2. *And be it further enacted,* That it shall

be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock signed by the Register of the Treasury, or by a Commissioner of Loans, for the whole, or for any part thereof, bearing an interest not exceeding four and one half per centum per annum, transferable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold under par.

SEC. 3. *And be it further enacted,* That a subscription, to the amount of fifteen millions of dollars, of the six per cent. stock of the year one thousand eight hundred and thirteen, be, and the same is hereby, proposed; for which purpose books shall be opened at the Treasury of the United States, and at the several Loan Offices, on the first day of July next, to continue open until the first day of October thereafter, for such parts of the abovementioned description of stock as shall, on the day of subscription, stand on the books of the Treasury, and on those of the several Loan Offices, respectively; which subscription shall be effected, by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

SEC. 4. *And be it further enacted,* That, for the whole or any part of any sum which shall be thus subscribed, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of four and one half per centum per annum, payable quarterly; from the thirtieth day of September, one thousand eight hundred and twenty-four, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, as follows: One-half at any time after the thirty-first day of December, one thousand eight hundred and thirty-two, and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided,* That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the Secretary of the Treasury to cause to be re-transferred to the respective subscribers, the several sums by them subscribed, beyond the amount of the certificates of five per cent. stock, issued to them, respectively.

SEC. 5. *And be it further enacted,* That the same funds which have heretofore been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be created or subscribed by vir-

tue of the provisions of this act, shall remain pledged, in like manner, for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the stock which may be created by virtue of this act. The said Commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said funds, as they may think proper, towards redeeming, by purchase or by reimbursement, in conformity with the provisions of this act, the principal of the said stock; and such part of the annual sum of ten millions of dollars, vested by law in the said Commissioners, as may be necessary, and wanting, for the above purposes, shall be, and continue, appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act, shall have been redeemed or reimbursed.

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

Approved, May 26, 1824.

An Act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol.

Be it enacted, &c., That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of books, under the direction of the joint Library Committee, for the use of the Library of Congress.

SEC. 2. *And be it further enacted*, That the sum of fifteen hundred and forty-six dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of furniture for the new Library.

SEC. 3. *And be it further enacted*, That the sum of three thousand two hundred and eighty-nine dollars and fifty cents be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for furnishing the rooms in the centre building of the Capitol, under the direction of the Commissioners of the Public Buildings.

Approved, May 26, 1824.

An Act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three Commissioners, who shall explore,

survey, and mark, in the most eligible course, a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan; and said Commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of said survey, shall cause the plats thereof to be deposited in the office of the Treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted*, That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted*, That the said Commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day they shall be necessarily employed in the exploring, surveying, and marking, of said road. And for the purpose of compensating the said Commissioners and their assistants, and for opening and making said road, there shall be, and is hereby, appropriated, the sum of twenty thousand dollars; to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act to authorize the State of Indiana to open a canal through the Public Lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Be it enacted, &c., That the State of Indiana be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of a canal by which to connect the navigation of the rivers Wabash and Miami of Lake Erie; and ninety feet of land, on each side of said canal, shall be reserved from sale on the part of the United States, and the use thereof, forever, be vested in the State aforesaid, for a canal, and for no other purpose whatsoever.

SEC. 2. *And be it further enacted*, That, if the said State shall not survey, and direct by law said canal to be opened, and furnish the Commissioner of the General Land Office a map thereof, within three years from and after the date of this act; or, if the said canal be not completed, suitable for navigation, within twelve years thereafter; or, if said land, hereby granted, shall ever cease to be used and occupied for the purpose of constructing and keeping in repair a canal, suitable for navigation; the reservation and grant, aforesaid, shall be void, and of none effect: *Provided*, That nothing in this act contained, or shall be done in pursuance thereof, shall be deemed to imply any obligation on the part of the United States, to appropriate money to defray the expense of surveying or opening said canal: *And provided, likewise*, That the said canal, when completed, shall be, and forever remain, a public highway, for the

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use of the Government of the United States, free from any toll or charge whatever, for any property of the United States, or persons in their service, on public business, passing through the same.

SEC. 3. *And be it further enacted,* That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from future sale, under the direction of the Commissioner of the General Land Office, until hereafter specially directed by law; and the said State is hereby authorized, without waste, to use any materials on the public lands adjacent to said canal that may be necessary for its construction.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Pennsylvania, and for other purposes.

Be it enacted, &c., That the following counties in the State of Pennsylvania shall cease to be a part of the Eastern Judicial District of Pennsylvania, and shall be added to, and form a part of, the Western District; that is to say: Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming: and that, besides the terms of the District Court directed by law to be held at Pittsburg, for the Western District, the Judge of said Western District shall hold two terms in every year, at William's Port, in the county of Lycoming, which shall commence on the first Mondays of the months of June and October, in each and every year, beginning in October next, and be continued and adjourned, from time to time, as the Court may deem expedient, for the despatch of the business thereof.

Approved, May 26, 1824.

An Act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and Sabine river."

Be it enacted, &c., That the powers given to, and duties required of, the register and receiver of the land office south of Red river, in the State of Louisiana, by the act of the third of March, eighteen hundred and twenty-three, entitled "An act providing for the examination of titles to land in that part of the State of Louisiana situated between Rio Hondo and the Sabine river," be extended to all that tract of country known and called by the name of the "Neutral Territory," lying east of the present western boundary of Louisiana, and west of the limits to which the land commissioners have heretofore examined titles and claims to land in said State; and in the examination of claims to land within the aforesaid limits, the register and receiver shall, in all respects, be governed by the provisions of the aforesaid act.

SEC. 2. *And be it further enacted,* That the register and receiver of said land office shall, severally, receive, as a full compensation for the duties required of them by this act, the sum of two hundred dollars, whenever they shall finish the business required to be performed by them, by this act, and the act to which this is a supplement, and

have forwarded their reports to the Secretary of the Treasury.

Approved, May 26, 1824.

An Act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, empowered to provide, by contract, for building lighthouses and light-vessels, erecting beacons, and placing buoys on the following sites or shoals to wit:

A lighthouse at Owl's Head, in the State of Maine;

A lighthouse at the mouth of Great Sodus, on Lake Ontario; and one on Verplanck's Point, in the State of New York;

A lighthouse at the mouth of Grand River, in the State of Ohio;

A beacon-light on Cape Henlopen, in the State of Delaware;

A lighthouse on Pool's Island, and one on Thomas's Point, in the Chesapeake Bay, in the State of Maryland;

A light-vessel at or near the Long Shoal, in Pamlico Sound, in the State of North Carolina;

A lighthouse on one of the Sambo Keys, and a light-vessel on the Careysfort reef, in the Territory of Florida;

A beacon on Castle Island, and five buoys near Bristol Ferry, in the State of Rhode Island;

A pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells' Harbor, in the State of Maine.

SEC. 2. *And be it further enacted,* That there be appropriated out of any money in the Treasury, not otherwise appropriated, the following sums of money, to wit:

For building a lighthouse in the State of Maine, on Owl's Head, four thousand dollars;

A lighthouse on Great Sodus, on Lake Ontario, in the State of New York, four thousand five hundred dollars; and for one on Verplanck's Point, in the Hudson River, in the same State, four thousand five hundred dollars;

A lighthouse at the mouth of Grand River, in the State of Ohio, eight thousand dollars;

For erecting a beacon-light on Cape Henlopen, in the State of Delaware, three thousand dollars;

For a lighthouse on Pool's Island, in the Chesapeake, in the State of Maryland, five thousand dollars; and for one on Thomas's Point in the same bay, and same State, six thousand five hundred dollars;

For a light-vessel, to be placed at or near the Long Shoals, on Pamlico Sound, in the State of North Carolina, ten thousand dollars;

For a lighthouse on the Sambo Keys, in the Territory of Florida, sixteen thousand dollars; for a light-vessel for Careysfort Reef, twenty thousand dollars; for the lighthouses directed to be built, one on the dry Tortugas, and one on Cape Florida, in the same Territory, including the appropriations already made by law, a sum, for each, not exceeding sixteen thousand dollars;

For a beacon and buoys between the dry Tortugas and the Coast of Florida, four thousand dollars;

For placing buoys on certain shoals at the mouth of Kennebeck River, in the State of Maine, one hundred and sixty dollars;

For placing buoys on shoals in Buzzard's Bay, and at or near the mouth of Aponeganset River, in the State of Massachusetts, one hundred and sixty dollars;

For placing buoys on Long Island Sound, near to Cornfield Point, and in Guildford Bay, one hundred and sixty dollars;

For placing a buoy at the mouth of Scuppernong River, in Albemarle Sound, in the State of North Carolina, forty dollars;

For placing a beacon on Castle Island, and five buoys near Bristol Ferry, five hundred dollars;

For a pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells Harbor, ten thousand dollars—five thousand dollars to each of those places.

SEC. 3. *And be it further enacted*, That the following annual salaries be allowed and paid to the keepers of light-vessels:

To the keeper of the Sandy Hook light-vessel, seven hundred dollars; and for a mate, three hundred and fifty dollars;

To the keeper of the Smith's Point light-vessel, in the Chesapeake Bay, five hundred dollars;

To the keeper of the Wolf Trap light-vessel, in the same bay, five hundred dollars;

To the keeper of the Willoughby Spit light-vessel, in the same bay, five hundred dollars;

To the keeper of the Craney Island light-vessel, four hundred and fifty dollars;

To the keeper of a light vessel to be placed at or near the shoals of Cape Hatteras, seven hundred dollars; and for a mate, three hundred and fifty dollars.

SEC. 4. *And be it further enacted*, That the President of the United States be and he is authorized and requested to cause a proper site at or near the mouth of the river Teche, in Louisiana, to be selected for a lighthouse, and proper places designated for placing buoys near the same. To enable the President to accomplish these objects, a sum of money, not exceeding five hundred dollars, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act granting to the Corporation of Tuscaloosa certain lots, and privileges over the reservations and commons in said town.

Be it enacted, &c., That the right and title of the United States to public streets and to certain lots in the town of Tuscaloosa, set apart for public uses, and designated in the plan of said town by the names of the "Court Square," the "Market Square," the "Jail Lot," the "Spring," the "Church," and the "Burial Ground," be and the same is hereby vested in the Corporation of said town forever. And also all the right of the Uni-

ted States to that tract between the lots and the river Tuscaloosa, called the "River Margin," and of that called the "Pond," and also of that called the "Common;" on condition, however, that the Corporation shall not lease or sell any portion of the last-mentioned tracts, but that the same be appropriated to the purposes for which they were designated and set apart, as well for the benefit of the inhabitants of said town as for that of those resorting to or visiting the same; and in case the same or any part thereof be applied to any other purpose, that it revert to the United States.

Approved May 26, 1824.

An Act supplementary to the act "to incorporate the inhabitants of the City of Washington," passed the fifteenth of May, one thousand eight hundred and twenty, and for other purposes.

Be it enacted, &c., That so much of the act, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," passed May fifteenth, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That public notice of the time and place of sale of all real property, for taxes due the Corporation of the City of Washington, shall be given in all cases hereafter by advertisement inserted in some newspaper published in the said city once in each week for at least twelve successive weeks; in which advertisement shall be stated the number of the square or squares; the number of the lot or lots, (if the square has been divided into lots;) the name or names of the person or persons to whom the same may be assessed on the books of the Corporation at the time of such advertisement; the amount of the tax due on each square or lot; the period for which the same shall be due; and the aggregate amount of taxes due on all real property assessed in the name of the same person or persons. But where a whole square is assessed to the same person or persons, although divided into lots, it may be assessed and advertised as if the same was not divided. And no sale of real property for taxes hereafter made shall be impaired or void by reason of such property not being assessed or advertised in the name or names of the lawful owner or owners thereof, provided the same shall be advertised as above directed, or by reason of the amount of taxes due thereon not being correctly stated.

SEC. 3. *And be it further enacted*, That in all cases of sales of real property, for taxes due the said Corporation, where such sale shall not have been made according to law, and void, it shall be lawful for the said Corporation, on the application of the purchaser, or other person entitled under him, to refund and pay to such person or persons, the amount paid by him or them, on account of such purchase; and, also, the subsequent taxes accrued and paid on the said property, and to reassess the amount of taxes so refunded, on the property on which the same shall have accrued,

which shall be collected in the manner as provided by law for the collection of other taxes, at any time after the first day of January next after the same shall be so re-assessed.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said Corporation, where there shall be a number of lots assessed to the same person or persons, to sell one, or more, of such lots, for the taxes and expenses due on the whole; and, also, to provide for the sale of any part of the lot, for the taxes and expenses due on the said lot, or other lots assessed to the same person, as may appear expedient, according to such rules and regulations as the said corporation may prescribe.

SEC. 5. *And be it further enacted*, That in case of death, resignation, or inability to serve, of any Commissioner of Election, it shall be lawful for the Mayor, or in case of his absence, or inability to perform that duty, for the Register of the City, to make an appointment, in writing, to fill any such vacancy, which appointment shall be returned to the Register, with the return of such election.

SEC. 6. *And be it further enacted*, That the proprietor or proprietors of lots which may be sold under the provisions of this act, shall be allowed the right of redemption, in the same manner, and according to the like restrictions, contained in the act to which this is a supplement.

SEC. 7. *And be it further enacted*, That the public notice of the time and place of sale of any real property chargeable with taxes, in Georgetown or Alexandria, in all cases hereafter, shall be given, once in each week, for twelve successive weeks, in some one newspaper printed in each of said places, and in the National Intelligencer, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon.

SEC. 8. *And be it further enacted*, That if, before the day of sale, advertised as aforesaid, the owner, his agent, or attorney, shall not pay the amount of taxes, with all costs thereon assessed, said lots, or so many as may be sufficient to discharge the same, shall be sold, for cash, and to the highest bidder paying therefor; a certificate from the proper officer shall be issued, setting forth that he is the purchaser, and the amount paid by him; and if, at the expiration of twelve months from the day of sale, the owner shall not appear, and pay to the officer who sold the same, the Mayor, or the purchaser, the amount of the purchase money, and costs, and taxes accruing subsequent to the sale, and ten per centum interest per annum on the purchase money, it shall and may be lawful for a title in fee simple, at the expiration of said time, to be made to the purchaser: *Provided*, That no sale of real estate shall be made but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due; and where he has personal property, it shall be lawful to collect said taxes by distress and sale thereof.

SEC. 9. *And be it further enacted*, That, on or before the first day of April next, and every five years thereafter, each of the Corporations of Wash-

ington, Georgetown, and Alexandria, shall cause three respectable freeholders, resident in said City and towns, respectively, being previously sworn, to assess and value, and make return, of all and every species of property by law taxable, in said Corporations; and, in making their said valuations, they shall determine it agreeable to what they believe it to be worth, in cash, at the time of the valuation.

SEC. 10. *And be it further enacted*, That, where any taxes have fallen due, and yet remain unpaid, or where any real estate has been sold by the Corporation of Georgetown or Alexandria, which sale, from any defect of proceeding in relation thereto, has been declared, or is considered void, said Corporation may proceed, and are hereby authorized, to collect said taxes by sale of the real estate, liable, agreeably to the provisions of this act, in relation to other cases of collecting taxes, hereafter to fall due: *Provided*, That where any person, without notice of the outstanding taxes, has made a bona fide purchase from the legal owner of any real estate, previous to the fifteenth day of May, one thousand eight hundred and twenty-four, said real estate, so acquired, shall not be liable for the taxes due and owing previous to said purchase.

SEC. 11. *And be it further enacted*, That all titles to property, conveyed, as aforesaid, on sales for taxes, made in either of said places, shall be by deed from the Mayor, under the seal of the Corporation: which said conveyance shall be effectual, in law, to convey the title, the requisition of this act having been complied with.

SEC. 12. *And be it further enacted*, That, on any lot, or lots, or part of a lot, liable for taxes, as aforesaid, being sold, the amount, over and above the tax, cost, and charges, due upon the same, shall be paid over, on application, to the owner of said property.

SEC. 13. *And be it further enacted*, That, where the payment of any taxes shall be made or enforced against any tenant, it shall not be lawful for the owner of said property, so made liable for the taxes, to recover of the tenant any rent for the property; but the same shall remain in his possession a lien for the debt, until such time as the rent accruing shall have discharged the same; and the said tenant shall be entitled to charge twenty-five per centum against the landlord, on the amount of the taxes so paid or enforced against him, except where he may have been previously in arrears for his rent.

SEC. 14. *And be it further enacted*, That in all cases of any nuisance, affecting, in the opinion of the Board of Health, the healthiness of the City of Washington, or inhabitants contiguous thereto, which may exist on any lot belonging to the United States, it shall be lawful to have the same removed, in the same manner, and under the same rules and regulations, that nuisances on private property are removed; and the expense of such removal or correction shall be defrayed out of any moneys in the hands of the city commissioner, for the sale of the public property in said city.

Approved, May 26, 1824.

An Act granting a tract of land to the Parish of West Baton Rouge, on certain conditions.

Be it enacted, &c., That the right of the United States to a tract of land, of about eight arpens front, on the Mississippi river, be, and the same is hereby, granted to the inhabitants of the Parish of West Baton Rouge, within which said land is situated, on condition that the said Parish shall at all times keep, or cause to be kept, a good and sufficient levee on said land, in front of the river Mississippi; and if they should, at any time hereafter, cease to keep, or cause to be kept, a good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act to authorize the President to exchange five arpens of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot.

Be it enacted, &c., That the President of the United States be authorized to exchange five arpens of land, on the south side of the public lot in the town of Baton Rouge, Louisiana, for an equal quantity of land on the north part of the said lot, which has been confirmed to the heirs of Eulogia de Casas; and to give and receive such titles as he may deem proper for perfecting said exchange.

Approved, May 26, 1824.

An Act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims.

Be it enacted, &c., That it shall be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the tenth day of March, one thousand eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the tenth day of March, one thousand eight hundred and four, and which was protected or secured by the treaty between the United States of America and the French Republic, of the thirtieth day of April, one thousand eight hundred and three, and which might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the Government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every such case it shall and may be lawful for such person or persons, or their legal representatives, to present a petition to the District Court of the State of Missouri, setting forth fully, plainly, and substantially, the nature of his, her, or their claim, to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey, under which they claim, the

name or names of any person or persons claiming the same, or any part thereof, by a different title from that of the petitioner; or holding possession of any part thereof, otherwise than by the lease or permission of the petitioner; and also, if the United States be interested on account of the lands claimed, and the boundaries thereof, when the same may have been designated by boundaries; by whom issued; and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjustment of land titles in the present limits of the State of Missouri, and by them reported on unfavorably, or recommended for confirmation; praying, in said petition, that the validity of such title, or claim, may be inquired into and decided by the said court: and the said court is hereby authorized and required to hold and exercise jurisdiction of every petition, presented in conformity with the provisions of this act, and to hear and determine the same, on the petition, in case no answer or answers be filed after due notice; or on the petition, and the answer or answers of any person or persons interested in preventing any claim from being established; and the answer of the District Attorney of the United States, where he may have filed an answer, according to the evidence which shall be adduced by the petitioner, by any person interested in preventing the decree of the court in favor of the title of the petitioner or petitioners, and by the United States, in conformity with the principles of justice, and according to the laws and ordinances of the Government under which the claim originated; and the copy of such petition, with a citation to any adverse possessor, or claimant, shall be served on such possessor or claimant, in the ordinary legal manner of serving such process in the State of Missouri, at least fifteen days before the term of the District Court of the United States, to which the same is made returnable; and, in like manner, on the District Attorney of the United States, where the Government is interested in the defence; and it shall be the duty of the United States' Attorney for the district in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of this act, in the said district, and to make defence, on all just and proper occasions, in behalf of the public interest.

SEC. 2. *And be it further enacted,* That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a court of equity, except that the answer of the District Attorney of the United States shall not be required to be verified by his oath, and tried, without any continuance, unless for cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said cause, relative to the title of the claimants, the extent, locality, and boundaries, of the said claim, or other matters connected therewith, fit and proper to be heard and determined; and, by a final decree, to settle and determine the question of the validity of the title,

according to the law of nations; the stipulations of any treaty, and proceedings under the same; the several acts of Congress in relation thereto; and the laws and ordinances of the Government from which it is alleged to have been derived; and all other questions properly arising between the claimants and the United States; which decree shall, in all cases, refer to the treaty, law, or ordinance, under which it is confirmed or decreed against; and the court may, at its discretion, order disputed facts to be found by a jury, according to the regulations and practice of the said court, when directing issues in chancery before the same court; and, in all cases, the party against whom the judgment or decree of the said district court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, the decision of which Court shall be final and conclusive between the parties; and, should no appeal be taken, the judgment or decree of the said district court shall, in like manner, be final and conclusive.

SEC. 3. *And be it further enacted*, That the evidence which has been received by the different tribunals which have been constituted and appointed by law to receive such evidence, and to report the same to the Secretary of the Treasury, or to the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be received and admitted in evidence for or against the United States, in all trials under this act, when the person testifying is dead, or beyond the reach of the court's process; together with such other testimony as it may be in the power of the petitioner, the person or persons interested in the defence made against establishing any claim, or the United States' Attorney, to produce, and which shall be admissible, according to the rules of evidence, and the principles of law.

SEC. 4. *And be it further enacted*, That, in all cases in which evidence shall be offered by the petitioner, which has not been received by either of the tribunals constituted by law for that purpose, it shall be the duty of the Attorney of the United States for the district in which the suit shall be instituted, or any person interested in the defence may examine, or cause to be examined, the witnesses, whether examined in court, or by commission under the authority thereof; and it shall be the duty of the Commissioner of the General Land Office of the United States, or the keeper of any public records, who may have possession of the records and evidence of the different tribunals which have been constituted by law for the adjustment of land titles in Missouri, as held by France, upon the application of any person or persons whose claim to lands has been rejected by such tribunals, or either of them, or on the application of any person interested, or by the Attorney of the United States for the district of Missouri, to furnish copies of such evidence, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office.

SEC. 5. *And be it further enacted*, That any claim to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before the said courts, within two years from the passing of this act, or which, after being brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be for ever barred, both at law and equity, and no other action, at common law, or proceedings in equity, shall ever thereafter be sustained in any court whatever, in relation to said claims.

SEC. 6. *And be it further enacted*, That, upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall and may be lawful for such claimant to demand, and receive from the clerk of the court in which such final decision is had, a copy of the decree in his, her, or their favor, under the official signature of the clerk, and the seal of the court, if any seal belong to it, and deliver the same to the surveyor of public lands for the State of Missouri, who shall, thereupon, cause the land specified in said decree to be surveyed at the expense of the party; and duplicate plats, and certificates of the survey, so made, to be returned into his office, one of which shall remain in said office, and the other, authenticated by the attestation and official signature of the surveyor of public lands, shall be delivered on demand, to the party interested therein, and the same being presented to the Commissioner of the General Land Office, in Washington City, shall entitle the party interested to a patent from the President of the United States.

SEC. 7. *And be it further enacted*, That in each and every case in which any claim, tried under the provisions of this act, shall be finally decided against the claimant, and in each and every case in which any claim, cognizable under the terms of this act, shall be barred by virtue of the provisions contained therein, the land specified in such claim shall, forthwith, be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public land in the same district.

SEC. 8. *And be it further enacted*, That the clerk of said court shall be, and he is hereby, directed, when any petition of claim is filed, under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all cost and charges which may accrue thereon in prosecuting the same to a final decree; and the District Attorney, Clerk, Marshal, attending witnesses, and jurors, shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the District Court of the State of Missouri, to be paid by the party calling for such service or attendance, except where the petitioner or petitioners fail to prosecute his, her, or their suit, or claim, to a final decree, or to obtain a final decree in his, her, or their favor, or where any such title or claim may have been presented to the commissioner, or the register and receiver, acting as commissioners, for the examination of titles and claims to land in said district, and by them has been reported unfavorably

on; in all which cases, all cost, charges, and expenses, of such prosecutions, shall be paid by the petitioner or petitioners; that the clerk of the court, in which the final decree shall be had, shall be allowed one dollar and fifty cents for the official copy of such final decree; that the surveyor of public lands shall be allowed one dollar for each of the official certificates required of him; and the keeper of the records and evidence, taken under former acts of Congress, for the adjustment of land titles, shall be allowed at the rate of ten cents for every hundred words contained in any such written evidence of their claim, to be paid by the party applying therefor.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, and the claim exceeds one thousand acres, to make out and transmit, to the Attorney General of the United States, a statement containing the facts of the case, and the points of the law on which the same was decided; and if the Attorney General shall be of opinion that the decision of the district court was erroneous, it shall be his duty to direct an appeal to be made to the Supreme Court of the United States, and to appear for, and prosecute, the said appeal in that court; and it shall be the further duty of the District Attorney to observe the instructions given to him by the Attorney General in that respect.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Marshal of the State of Missouri, by himself or deputy, to attend the said court while in session, and to execute all process to him directed by the court, under this act.

SEC. 11. *And be it further enacted*, That if, in any case, it should so happen that the lands, tenements, or hereditaments, decreed to any claimant, under the provisions of this act, shall have been sold by the United States, or otherwise disposed of, or if the same shall not have been heretofore located, in each and every such case, it shall and may be lawful for the party interested, to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels, conformable to sectional divisions and subdivisions, in any land office in the State of Missouri; and, if it should so happen, that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres, of less number than the smallest sectional divisions authorized by law to be sold, it shall and may be lawful for the party interested, to enter, in virtue of such fractional excess, the quantity of one half-quarter section, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section, over and above the fractional excess to which he may be entitled by such confirmation.

SEC. 12. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the judge of the District Court for the State of Missouri shall hold his sessions at the following places, viz: at the town of St. Louis, in the county of St. Louis, on the third Monday of

September next; at the town of St. Genevieve, in the county of St. Genevieve, on the third Monday of December next; and at the town of Jackson, in the county of Cape Girardeau, on the third Monday of April next; he shall appoint his own clerks; and, after the first and each of the said sessions, he shall thereafter sit upon his own adjournments, at the places aforesaid, until all the business before him shall be completed, or the time limited by this act shall have expired; of which said adjournments, and the time of holding the special sessions, aforesaid, public notice shall be given at each of the places aforesaid, and at such other places, in the State of Missouri, as he shall direct: *Provided*, That, at either of the places aforesaid, the court may take cognizance and jurisdiction of any claim within the limits of the State: *Provided moreover*, That, if there should be any person defending against the confirmation of such claim, in such case the trial, in case he shall request the same, shall be had at that place nearest the residence of such person defending against such confirmation: *Provided*, That none of the provisions of this act shall be applied to a claim of the representatives or assignees of Jacques Clamorgan, deceased, lying between the Missouri and Mississippi rivers, and covering parts of the counties of St. Charles and Lincoln, in the State of Missouri.

SEC. 13. *And be it further enacted*, That the District Judge for the State of Missouri shall, while in the discharge of the duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to his salary as District Judge for the State of Missouri, which shall be in full for his services.

SEC. 14. *And be it further enacted*, That all the provisions of this act shall extend to, and be applicable to, the Territory of Arkansas; and, for the purpose of finally settling and adjusting the titles and claims to lands derived from the French and Spanish Governments, respectively, the Superior Court for the Territory of Arkansas shall have, hold, and exercise jurisdiction, in all cases, in the same manner, and under the same restrictions and regulations, in all respects, as by this act is given to the District Court for the State of Missouri; and the Judges for the Superior Court, Clerk of said Court, Marshal, and District Attorney of the United States for the said Territory, shall, severally, perform the same duties, and have the same powers, in relation to the claims to land presented and prosecuted in said Court, in the Territory of Arkansas, as is herein provided with regard to the titles and claims to land presented and prosecuted in the District Court for the State of Missouri; and the Judges of said Superior Court, the Clerk, Marshal, and District Attorney, shall, each, severally, receive the same fees, emoluments, and compensation, for their services, as is in this act provided, in regard to the District Judge, Clerk, Marshal, and District Attorney, in the State of Missouri; and the said Court shall commence its first session on the first Monday in October next, at Little Rock, in the Territory of Arkansas; and, afterwards, shall sit upon its own

adjournments, at the place aforesaid, until all the business before it shall be completed, or the time limited by this act shall have expired; of which, public notice shall be given, as is provided in this act, in relation to the District Court of the State of Missouri: *Provided*, That in all cases of a decree against the United States, for a greater quantity of land than five hundred acres, in the Superior Court of Arkansas, it shall be the duty of the Attorney of the United States to transmit to the Attorney General of the United States, as soon as may be, a like statement of the facts and points of law in the case, as is required of the District Attorney of Missouri; and the same right of appeal, from the decisions of the Court in Arkansas, shall be allowed to each party, that are prescribed in relation to decisions in the District Court of Missouri.

SEC. 15. *And be it further enacted*, That none of the provisions of the fourteenth section shall extend to claims of a larger amount than one league square.

Approved, May 26, 1824.

An Act to establish an additional Land Office in the State of Missouri.

Be it enacted, &c., That so much of the public lands of the United States, included in the present district of St. Louis, in the State of Missouri, as lies within the following boundaries, to wit: Beginning on the Mississippi river, between townships numbered forty-eight and forty-nine; thence, west, to the range line between ranges ten and eleven; thence, north, to the township line between townships numbered fifty-two and fifty-three; thence, west, to the range line between ranges thirteen and fourteen; thence, north, to the northern boundary line of the State of Missouri; thence, east, with the State line to the river Desmoines; thence, with the river Desmoines, and the State line, to the Mississippi river; thence, with and down the Mississippi river, to the place of beginning, so as to include all the islands within the limits of the State of Missouri, shall be formed into a new land district, to be called "the District of Salt River;" and, for the sale of the public lands within the district hereby constituted, there shall be a land office established at such place, within the said district, as the President of the United States may designate.

SEC. 2. *And be it further enacted*, That there shall be a Register and Receiver appointed to said office, to superintend the sales of public lands in the said district, and who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to be disposed of, at their offices, as are or may be, by law, provided, in relation to the Registers and Receivers of Public Moneys in the several offices established for the sale of the public lands.

SEC. 8. *And be it further enacted*, That all such public lands, embraced within the district created

by this act, which shall have been offered for sale to the highest bidder, at St. Louis, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale, by the proper officer or officers of the land office hereby created, in the same manner, and subject to the same terms, and upon the like conditions, as the sales of said lands would have been subject to, in the land office at St. Louis, had they remained attached to that office.

Approved, May 26, 1824.

An Act making further appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit:

For pay of a Superintendent of Indian Affairs at St. Louis, and the several Indian Agents, as allowed by law, twenty-six thousand five hundred dollars.

For the pay of Sub-Agents, as allowed by law, thirteen thousand one hundred dollars;

For presents to Indians, as authorized by act of one thousand eight hundred and two, ten thousand dollars;

For contingent expenses, ninety-five thousand dollars;

For making the surveys, compensation to the Commissioners, and other incidental expenses, under the act "for establishing a National Armory on the Western waters," in addition to the sum heretofore appropriated by the said act, four thousand one hundred and thirty-five dollars;

For the Quartermaster's Department, fuel, stationery, and contingencies of the Military Academy, eleven thousand five hundred dollars;

For the salaries of two Clerks in the second Auditor's Office, as authorized by the act of the twentieth April, one thousand eight hundred and eighteen, and not included in the letter of the Secretary of the Treasury, of the ninth of January, transmitting the annual estimates of appropriations for the present year, two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That the sum of twenty thousand five hundred and twenty-five dollars and seventy cents, in addition to the unexpended balance of the appropriation of the act of the seventh of May, one thousand eight hundred and twenty-two, of twenty-nine thousand four hundred and twenty-four dollars and thirty cents, be, and the same is hereby, appropriated, out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to take the necessary measures for the extinguishment of the title of the Creek Indians to the land now occupied by them, lying within the limits of the State of Georgia.

SEC. 3. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appro-

appropriated: *Provided, however,* That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided further,* That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance with this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report, forthwith, to the agent of the Treasury Department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, May 26, 1824.

An Act granting donations of land to certain actual settlers in the Territory of Florida.

Be it enacted, &c., That the commissioners for ascertaining titles and claims to lands in Florida be, and they are hereby, authorized and required, within their respective districts, and in addition to their former duties, to receive and examine all claims that may be presented to them, and the evidence in support of each of such claims, founded on habitation and cultivation of any tract of land, town, or city lot, or out-lot, by any person, being the head of a family, and twenty-one years of age, who, on the twenty-second day of February, one thousand eight hundred and nineteen, actually inhabited and cultivated such tract of land, or actually cultivated and improved such lot, or who, on that day, cultivated any tract of land in the vicinity of any town or city, having a permanent residence in such town or city, in said Territory; and to grant certificates of confirmation for any tract of land thus inhabited and cultivated, or cultivated by any person of the above description, residing in any town or city in the vicinity of the tract so cultivated; which land shall be located in an entire body, as nearly as possible, in conformity to the surveys of the contiguous public lands, and so as to embrace the principal improvements then made on any tract so claimed, and shall not exceed in quantity six hundred and forty acres: And it shall also be the duty of said Commissioners to receive claims to land founded on habitation and cultivation, commenced between the twenty-second of February, one thousand eight hundred and nineteen, and the seventeenth of July, one thousand eight hundred and twenty-one, when Florida was surrendered to the United States, and evidence in support of the same; and to report an abstract of all such claims to Congress, and of the claims by them confirmed, to the Secretary of the Treasury; and the claims merely reported on shall be laid before Congress at their next session, with the evidence of the time, nature, and extent of such habitation and cultivation, in each case, and the extent of the claim: *Provided,* That no

claim shall be received, confirmed, or reported to Congress, by the said Commissioners, for confirmation, in favor of any person, or the legal representatives of any person, who claims any tract of land in said Territory, by virtue of any written evidence of the title derived from either the British or Spanish Governments.

Approved, May 26, 1824.

An Act granting certain lots of ground to the Corporation of the City of Mobile, and to certain individuals of said city.

Be it enacted, &c., That all the right and claim of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land, in the city of Mobile, in the State of Alabama; and also all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by this or any former act, and to which no equitable title exists in favor of any individual under this or any other act, between high-water mark and the channel of the river, and between Church street and North Boundary street, in front of the said city, be and the same are hereby vested in the Mayor and Aldermen of the said city of Mobile for the time being, and their successors in office, for the sole use and benefit of the said city, forever.

SEC. 2. *And be it further enacted,* That all the right and claim of the United States to so many of the lots of ground east of Water street and between Church street and North Boundary street, now known as water lots, as are situated between the channel of the river and the front of the lots known under the Spanish Government as water lots, in the said city of Mobile, whereon improvements have been made, be and the same are hereby vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, except in cases where such proprietor or occupant has alienated his right to any such lot, now designated as a water lot, or the Spanish Government has made a new grant or order of survey for the same, during the time at which they had the power to grant the same; in which case, the right and claim of the United States shall be and is hereby vested in the person to whom such alienation, grant, or order of survey, was made, or in his legal representative: *Provided,* That nothing in this act contained shall be construed to affect the claim or claims, if any such there be, of any individual or individuals, or of any body politic or corporate.

Approved, May 26, 1824.

An Act to complete the Survey of the Southern and Western Boundary of the State of Missouri.

Be it enacted, &c., That the sum of fifteen hundred dollars, to be paid out of any money in the Treasury, not otherwise appropriated, and to be applied under the direction of the Secretary of the Treasury, be and the same is hereby appropriated, to complete the payment for surveying the southern boundary line of the State of Missouri, and so

much of the western boundary line thereof as lies south of the Missouri river.

Approved, May 26, 1824.

An Act making an appropriation towards the extinguishment of the Quapau titles to lands in the Territory of Arkansas.

Be it enacted, &c., That a sum not exceeding seven thousand five hundred dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to negotiate a treaty with the Quapau Indians, for the extinguishment of their title to lands in the Territory of Arkansas.

Approved, May 26, 1824.

An Act supplementary to an act of Congress, passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri."

Be it enacted, &c., That it shall be the duty of the individual owners or claimants of town or village lots, and common field lots, in, adjoining, or belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villa à Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, and Little Prairie, in Missouri, and the village of Arkansas, in the Territory of Arkansas, whose lots were confirmed by the act of Congress of the thirtieth of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri," on the ground of inhabitation, cultivation, or possession, prior to the twentieth day of December, one thousand eight hundred and three, to proceed, within eighteen months after the passage of this act, to designate their said lots by proving, before the recorder of land titles for said State and Territory, the fact of such inhabitation, cultivation, or possession, and the boundaries and extent of each claim, so as to enable the Surveyor General to distinguish the private from the vacant lots, appertaining to the said towns and villages.

SEC. 2. *And be it further enacted,* That, immediately after the expiration of the said term allowed for proving such facts, it shall be the duty of the Surveyor General, within whose district such lots lie, to proceed, under the instructions of the Commissioner of the General Land Office, to survey, designate, and set apart to the said towns and villages, respectively, so many of the said vacant town or village lots, out lots, and common field lots, for the support of schools in the said towns and villages, respectively, as the President of the United States shall not, before that time, have reserved for military purposes, and not exceeding one-twentieth part of the whole lands included in the general survey of such town, or village, according to the provisions of the second section of the above mentioned act of Congress; of, [and] also, to survey and designate, so soon after the passage of this act as may be, the com-

mons belonging to said towns and villages, according to their respective claims and confirmations, under the said act of Congress, where the same has not been already done: *Provided,* That lots relinquished to the United States on account of damages done them by the earthquakes, and in lieu of which lands have been located elsewhere, shall neither be so designated or set apart, nor taken into the estimate of the quantity to which any town or village is entitled.

SEC. 3. *And be it further enacted,* That the Recorder shall issue a certificate of confirmation for each claim confirmed, and shall receive for the services required of him by this act the sum of one dollar for each lot so proved to have been inhabited, cultivated, and possessed, to be paid by the respective claimants; and, so soon as the said term shall have expired, he shall furnish the Surveyor General with a list of the lots so proved to have been inhabited, cultivated, or possessed, to serve as his guide in distinguishing them from the vacant lots to be set apart as above described, and shall transmit a copy of such list to the Commissioner of the General Land Office.

SEC. 4. *And be it further enacted,* That the provisions of this act, and of the aforesaid act of the thirtieth of June, one thousand eight hundred and twelve, be, and the same are hereby, extended to the village of Mine à Burton, and the right of filing their claims with the Recorder.

Approved, May 26, 1824.

An Act granting to the Counties or Parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same.

Be it enacted, &c., That there be granted to the several counties or parishes of each State and Territory of the United States, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one-quarter section of land, in each of the counties or parishes of said States and Territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: *Provided,* The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further,* That the seat of justice for said counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2. *And be it further enacted,* That so much of such acts, heretofore passed, granting to States rights of pre-emption, for county or parish purposes, as require said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act making appropriations for carrying into effect certain Indian Treaties.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, that is to say :

For carrying into effect so much of the fourth article of the treaty of the eighth January, eighteen hundred and twenty-one, between the United States, and the Creek nation, as relates to the compensation due to the citizens of Georgia, by the Creek nation, the appropriation heretofore made for that object being exhausted, the sum of twenty-three thousand dollars ;

For the payment of the annuity to the Creek nation, as provided for by the same article of said Treaty, the sum of sixteen thousand dollars, annually, for five years, and the sum of ten thousand dollars, annually, for six years thereafter ;

For implements of husbandry, and stock of cattle and hogs, agreeably to the stipulation contained in the third article of the treaty with the Florida Indians, of the eighteenth September, eighteen hundred and twenty-three, the sum of six thousand dollars ;

For the payment of the annuity to the Florida Indians, as provided for by the third article of said treaty, the sum of five thousand dollars, annually, for twenty years ;

For the expense of rations to be furnished to said Indians, agreeably to the fifth article of said treaty, the sum of sixty-five thousand seven hundred dollars ;

For compensation for improvements that may be abandoned by said Indians, as provided for by the fifth article of said treaty, the sum of four thousand five hundred dollars ;

For transportation of the different tribes to the lands assigned them by the said treaty, as provided for by the fifth article of the same, the sum of two thousand dollars ;

For the establishment of a school, and the support of a gunsmith for said Indians, as provided for by the sixth article of said treaty, the sum of two thousand dollars, annually, for twenty years ;

For running the line of the land assigned to said Indians, as provided for in the seventh article of said treaty, the sum of five thousand dollars.

SEC. 2. *And be it further enacted,* That the said sums be, and they are hereby, directed to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act to regulate the mode of practice in the Courts of the United States, for the District of Louisiana.

Be it enacted, &c., That the mode of proceeding in civil causes in the courts of the United States, that now are, or hereafter may be, established in the State of Louisiana, shall be conformable to the laws directing the mode of practice in the district courts of the said State : *Provided,* That the judge of any such court of the United States may alter the times limited or allowed for different proceedings in the State courts, and make, by rule, such other provisions as may be necessary to

adapt the said laws of procedure to the organization of such courts of the United States, and to avoid any discrepancy, if any such should exist, between such State laws and the laws of the United States.

SEC. 2. *And be it further enacted,* That petit jurors, for the trial of all causes, as well civil as criminal, shall be designated, summoned, and returned, in the manner that now is directed by the laws of the said State, with respect to jurors, to serve in the district courts of the said State of Louisiana ; and that all the duties directed by such State laws to be performed by the sheriffs and clerks, in relation to the designation, summoning, and returning, such jurors, shall be performed by the Marshal of the United States and the clerk of the court of the United States, in the district where such court of the United States shall sit, and that the petit jurors to serve in such court of the United States, shall be taken from the parish in which said court holds its sessions, but, that the grand jurors may come from any part of the district, and may be summoned and empannelled by the Marshal, in the manner now prescribed ; and the Marshal, for the purpose of designating such petit jurors, shall take the names of all persons liable to serve as jurors, from the list made by the sheriff, for the purpose of drawing jurors for the district court of the State ; and such number of jurors shall be drawn for each term of such court of the United States, or for such portion of each term as the court may, by its rules, direct : *Provided,* That nothing herein contained shall be so construed as to prevent the judge of any of the said courts of the United States from directing a jury to be summoned from any other parish within the District, whenever it may be necessary to secure an impartial trial ; but that, in all such cases, the names of the jury shall be also designated, by lot, in the manner directed by the laws of the State, for designating jurors to serve in the district courts : *And provided, also,* That special juries may be directed for the trial of any particular civil cause, by the consent of parties, but not otherwise.

Approved, May 26, 1824.

An Act for altering the time of holding the Circuit Court of the United States for the fourth circuit in the Maryland District.

Be it enacted, &c., That the terms of the Circuit Court of the United States for the fourth circuit in the district of Maryland, which are now directed by law to be holden on the first day of May and seventh day of November, in each year, shall be hereafter holden on the 8th days of May and December in each year, except where such days shall occur on Sunday, when the terms of the said Court shall commence and be holden on the next succeeding day.

SEC. 2. *And be it further enacted,* That the first session of the said Circuit Court, after the passage of this act, shall be held on the eighth day of December, in the year eighteen hundred and twenty-four.

SEC. 3. *And be it further enacted*, That all process which may have issued, or which may hereafter issue, returnable to the next succeeding terms, as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, May 26, 1824.

An Act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to cause to be made an examination and survey of the harbors of Charleston, in South Carolina, and St. Mary's, in Georgia, in reference to the expediency of establishing a navy yard at either of those places, for the building and repairing sloops of war and other vessels of an inferior class; and, also, to cause to be made and perfected, an examination and survey of the harbor of Pensacola, and the coast of Florida, in order to ascertain the expediency of establishing a naval depot at Pensacola, or at such place in the vicinity of it, as may be most advantageous to the United States; and that the sum of five thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated.

Approved, May 25, 1824.

An Act further to regulate the inspection of flour in the county of Alexandria.

Be it enacted, &c., That, for the better regulation of the inspection of flour within the county of Alexandria, in the District of Columbia, the Common Council of the town of Alexandria shall be, and they are hereby, empowered and required to divide the said county and town into two inspection districts; that, to each of these districts, there shall be appointed a flour inspector, in the mode now authorized by law, to perform alternate duties in the said districts; each of the said inspectors shall be liable to removal from office at any time within the term for which he shall have been appointed by the court making the appointment; and, during his continuance in office, shall enjoy the same rights, and be subject to like duties and restraints, as the present inspector of flour in the said county of Alexandria.

SEC. 2. *And be it further enacted*, That the said Common Council be, and they are hereby, empowered to provide for a re-inspection of flour in store, whenever, in their opinion, it may require it, and to regulate the exportation and shipment thereof; to pass laws for the punishment of all persons who shall be guilty of fraud, or otherwise violate their regulations, and to alter or amend the present inspection laws, so far as may be necessary to effect that object.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Virginia, and for other purposes.

Be it enacted, &c., That the following counties

in the State of Virginia shall cease to be a part of the Eastern Judicial District of Virginia, and shall be added to, and form a part of, the Western District, that is to say: the counties of Botetourt, Rockbridge, Alleghany, Bath, Pendleton, Augusta, Rockingham, Shenandoah, Frederick, Jefferson, Berkley, Morgan, Hampshire, and Hardy; and that, in addition to the terms of the District Court, now holden in the Western District, the Judge of said Western District shall hold two terms in the each year, at Staunton, in the county of Augusta.

SEC. 2. *And be it further enacted*, That the terms of the courts in the said Western District shall be held on the days, and at the places, hereinafter mentioned, viz: at Staunton, on the second Mondays in April and September; at Wythe Court-house, on the third Mondays in April and September; at Lewisburg, on the fourth Mondays in April and September; and at Clarksburg, on the fourth Mondays in May and October, in each year.

SEC. 3. *And be it further enacted*, That, if the judge shall not attend on the first day of any court, such court shall stand adjourned, from day to day, for three days, if the same cause continue; after which time, if the judge still fail to attend, the court shall stand adjourned until the first day of the next term.

SEC. 4. *And be it further enacted*, That the judge of said court shall have power to hold special sessions, at his discretion, at either of the said places, for the trial of civil or criminal cases.

Approved, May 26, 1824.

An Act to provide for the sale of lands conveyed to the United States in certain cases, and for other purposes.

Be it enacted, &c., That the agent of the Treasury be, and he hereby is, authorized, in all cases where the estates of insolvent debtors have been, or hereafter shall be, assigned to the United States, under the act of the sixth June, seventeen hundred and ninety-eight, entitled "An act providing for the discharge of persons imprisoned for debts due to the United States," to sell such estates, whether real or personal, at such time, and in such manner, as, with the approbation of the Secretary of the Treasury, he shall think fit, for the best price that can be had therefor, and to make all needful conveyances, assignments, or transfers, of the same, to the purchaser or purchasers.

SEC. 2. *And be it further enacted*, That, at any and every sale on executions, at the suit of the United States, of lands or tenements of a debtor, it shall be lawful for the United States, by such agent as the agent of the Treasury shall appoint, to become the purchaser of such lands and tenements: *Provided*, That, in no case, shall such agent bid in behalf of the United States for a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs; and it shall be the duty of the marshal of the district, in which such sale shall be held, in case such purchases shall be made, to make all

needful conveyances, assignments, and transfers, to the United States; and the agent of the Treasury is hereby authorized, with the approbation of the Secretary of the Treasury, to sell and convey the said lands and tenements, in the same manner as is directed by the first section of this act, in respect to lands and tenements assigned by insolvent debtors.

SEC. 3. *And be it further enacted*, That nothing herein contained shall be deemed or construed to take away or impair any other remedy which the United States may be now entitled to have against the person or property of debtors, to enforce the satisfaction of judgments obtained, or which may hereafter be obtained.

Approved, May 26, 1824.

An Act concerning the pre-emption rights in the Territory of Arkansas.

Be it enacted, &c., That every person, and the legal representative of every person, who was entitled to the right of pre-emption, in the Territory of Arkansas, under the provisions of the act of Congress of the 12th of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," in that tract of country, north of the river Arkansas, ceded by the United States to the Cherokee nation of Indians, on the eighth day of July, one thousand eight hundred and seventeen, be, and they are hereby, authorized, in lieu thereof, and in full compensation for such right of pre-emption, to enter with the Register of the Land Office in the District of Lawrence, in said Territory, any tract within said District, on which they may have made improvements previously to the passage of this act, or any unimproved tract within said District, the sale of which is authorized by law: *Provided*, That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sectional and divisional lines run, or to be run, under the direction of the Surveyor of the United States' Lands for the States of Missouri and Illinois, and Territory of Arkansas.

SEC. 3. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the Register of the Land Office for said District, stating therein that he was entitled to a pre-emption right, under the aforesaid act of Congress, in that part of the Territory of Arkansas ceded as aforesaid; and, also, particularly designating therein the quarter section he is desirous to enter, which notice the Register shall file in his office; and in every case, where it shall be proved to the satisfaction of the Register and Receiver of Public Moneys of the Land Office aforesaid, that any person, who has delivered such notice, was entitled to a pre-emption right under said act of Congress, in that part of the Territory of Arkansas, ceded as aforesaid, shall have a right to enter with the Register of said Land Office, at the minimum price for which

the United States' lands are sold, the tract of land designated in said notice, on producing his receipt from the Receiver of Public Moneys, for the purchase money of said tract, as in case of other public lands sold at private sale; and, as a compensation for their services, the Register and Receiver shall, each, be entitled to one dollar in every such case, to be paid by the claimant of such pre-emption right: *Provided*, That every such entry and payment shall be made at least two weeks previous to the time of offering the adjacent lands at public sale, unless the same be entered in such part of said District as shall have been offered at public sale at the time of the passage of this act; in which case, such entry shall be made within two years from the passage thereof.

Approved, May 26, 1824.

An Act providing for the disposition of three several tracts of lands in Tuscarawas County, in the State of Ohio, and for other purposes.

Be it enacted, &c., That the three several tracts of land, lying in the county of Tuscarawas, in the State of Ohio, lately retroceded to the United States by the Society of United Brethren for propagating the Gospel among the Heathen, shall be surveyed and laid off into such lots, having regard to the existing surveys and improvements thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said Society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutten, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants, which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and is hereby, authorized to appoint an agent, who shall reside near the said land, whose duty it shall be to superintend and direct the survey of said land and lots; to receive and pay over to the Treasury the rents due, and to become due, on said lands; to take possession of such parts of said lands as may be forfeited by the tenants, by reason of non-performance of the covenants in their leases; to ascertain the actual cash value of each of the lots and town lots, with the improvements thereon, and, also, the value of each, subject to the conditions of the lease outstanding on it, by the aid of two disinterested appraisers, to be selected by the Secretary; to ascertain the award to be made to Isaac Simmers, Jesse Walton, Barzillai Walton, Jesse Hill, and Boaz Walton, according to their leases; to receive a surrender of such of the leases outstanding on such lands, as the holders thereof may be disposed to make, who have, or shall first comply with the conditions of their leases, up to the time of their surrender; to superintend the sale of said lands and lots, and to transfer to the purchasers who shall buy any of said land or lots, subjected to the leases thereon, the lease of the lot

or land so bought; and to do whatever else may be necessary to effect a speedy and advantageous disposition of said lands and lots.

SEC. 3. *And be it further enacted,* That a right of pre-emption shall be allowed to John Andreas, John Neigaman, Jacob Winsh, and Catharine Tschudy, at the real cash value of the lots occupied by them, according to the stipulations of the said agreement for retrocession, and to any of the lessees, for any of the remaining lots, or town lots, to an amount not exceeding the amount stipulated to be paid to them by the United States: *Provided,* That any of the persons entitled to pre-emption, who shall be desirous to avail themselves of such right, shall give notice to the said agent of such their intention, before the cash value of the lots is ascertained; and, in the case of the lessees, shall, at or before the time of giving such notice, pay all arrears of rent, and surrender their leases; and shall, immediately after the said cash value is ascertained, be entitled to a patent for the lot or land to which they are entitled as aforesaid, on paying the amount of such cash value; or, in the case of the Society, on the executing and delivering to said agent, a discharge to the United States, for so much as said lot or land, whereto a pre-emption is claimed, shall amount to, on account of any sum to become due them by reason of stipulations in said retrocession; and no right to such pre-emption shall be considered as extending beyond the time of commencing the sale of said lands, as hereinafter directed.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury may cause to be designated, and allowed for public use, the usual ground for streets and alleys in said town, for public ground and for schools; and may, moreover, cause to be designated and set apart, one lot in each of said tracts, not exceeding one thirty-sixth part of each, the title whereof shall be vested in the Legislature of the State of Ohio, and held in trust for the use of schools, in the same manner as other lands, granted by the United States for the use of schools, are held in that State.

SEC. 5. *And be it further enacted,* That, immediately after the said surveys shall be completed, the cash value ascertained, and the school lands designated, the said agent shall give notice, by advertisement in one newspaper in Washington City, and one in Steubenville, one in Zanesville, and one in New Philadelphia, Ohio, of the time, not less than sixty days from the first publication, when he will offer the said lands and lots for sale, at public vendue, at the courthouse in New Philadelphia aforesaid; and shall, at such time and place, proceed to offer for sale, to the highest bidder, any of said lands or lots, remaining undisposed of, in the manner hereinbefore provided for; and none of said lots or land, shall be put up at a less sum than the actual cash value, ascertained as aforesaid; and in case any of said lessees shall have failed, or refused, to surrender their leases, the sale shall be made subject to those leases; and each purchaser, who may purchase at such sale, shall immediately pay to the said agent the amount of his purchase, and take his receipt for the amount,

specifying the lot or land purchased; upon which the purchaser shall be entitled to a patent, as other purchasers of public lands are: but, in case any purchaser shall fail to make his payment as aforesaid, at or before the close of the sale, he shall be considered as having forfeited his purchase, and the land struck off to him shall be again offered for sale, in the same manner as if it had never been struck off; and the said agent, immediately after the close of such sale, shall pay over the money received at such sale, and for rent, to the United States, and report all his proceedings to the General Land Office; and the President shall be, and he is hereby, authorized, whenever the boundaries of the several lots stipulated to be conveyed to the said Society shall be ascertained, to issue patents therefor to said Society.

SEC. 6. *And be it further enacted,* That the agent herein provided for, shall take an oath of office, and give bond and security, in such sum and form as the Secretary of the Treasury may direct, and be allowed and paid, for his services, a salary at the rate of six hundred dollars per annum: *Provided,* That said office shall not continue longer than is necessary to perform the duties herein required, and not longer than one year; and said salary, together with the incidental expenses attending the said survey and sale, shall be charged to the fund to be raised by the sale of said lots and land. The said appraisers shall be allowed the sum of two dollars for each day actually employed in the appraisement aforesaid, and neither the said agent nor appraisers shall be at liberty to purchase any of the said lands or lots.

SEC. 7. *And be it further enacted,* That, if any such land or lots remain unsold at public auction, as aforesaid, the same shall be subject to entry and sale at the land office in Zanesville, in Ohio, at the actual cash price, ascertained as aforesaid, in the same manner that other lands of the United States are authorized to be entered; and it shall be the duty of the accounting officers of the Treasury Department to keep a separate account of the proceeds of the lots and lands aforesaid, and of all moneys received and disbursed on account thereof; and, after the expenses of survey and sale of said lots and land shall be reimbursed, it shall be the duty of the Secretary of the Treasury to pay to the said society the sums stipulated to be paid them, and for which they shall not have taken lands and lots as hereinbefore provided for; to pay the said Simmers, Hill, and Waltons, the sums awarded to them; and then to credit the residue of the proceeds of said lots and lands, as they shall be received, to the fund for raising the annuity for the Christian Indians, so called, in the manner stipulated in the agreement entered into with them on the eighth of November, one thousand eight hundred and twenty-three.

SEC. 8. *And be it further enacted,* That, whenever the said Christian Indians shall notify the President of the United States that they wish to remove from their present residence, on the river Thames, into the territory of the United States, it shall be lawful for the President to designate a reservation of not less than twenty-four thousand

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acres of land, to be held by the said Indians in the usual manner of Indian reservations, so long as they shall live thereon; and from the time said Indians shall remove on to said reservation the annuity shall cease.

Approved, May 26, 1824.

RESOLUTIONS.

Resolution in relation to an intended visit of the Marquis de Lafayette to the United States.

The Marquis de Lafayette having expressed his intention to revisit this country—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship, with suitable accommodation, be employed to bring him to the United States.

Approved, February 4, 1824.

Resolutions providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State.

Resolved, &c., That the Portrait of Colum-

bus, presented to the nation by G. G. Barrell, United States Consul at Malaga, be placed in the Library of Congress.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following: two copies to each of the surviving signers of the Declaration of Independence; two copies to the President of the United States; two copies to the Vice President of the United States; two copies to the late President, Mr. Madison; two copies to the Marquis de Lafayette; twenty copies for the two Houses of Congress; twelve copies for the different Departments of the Government; two copies for the President's house; two copies for the Supreme Court room; one copy to each of the Governors of the States; and one to each branch of the Legislatures of the States; one copy to each of the Governors of the Territories of the United States; and one copy to the Legislative Council of each Territory; and the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

Approved, May 26, 1824.